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                       WESTERN INTERIOR FEDERAL
                     SUBSISTENCE REGIONAL COUNCIL
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                               VOLUME II
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                            Princess Hotel
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                           Fairbanks, Alaska
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                     February 26, 1998 - 8:30 a.m.
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19 COUNCIL MEMBERS PRESENT:
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21 Mr. Carl M. Morgan, Chairman
22 Mr. Henry Deacon
23 Mr. William Derendoff
24 Mr. Ray Collins
25 Mr. Ronald Sam
26 Mr. Jack L. Reakoff
27 Ms. Angela O. Demientieff
28 Mr. Benedict Jones
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30 Mr. Vince Mathews, Coordinator

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(On record - 8:45 a.m.)

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CHAIRMAN MORGAN: I'm going to call this meeting back to order at 8:45. And we stopped yesterday, I believe, with the proposals but that this morning we were going to pickup right back with Proposal 38.

MR. MATHEWS: Mr. Chairman, we can do 38 and then we 11 have the information on what Northwest did. So maybe it'd be 12 best to do 38 and then go on to 93, it's the other one you 13 deferred. And I mean -- or whatever. And then we need to 14 report what Northwest did.

CHAIRMAN MORGAN: Okay.

MR. MATHEWS: So 38, Hollis Twitchell of the National 19 Park Service will be presenting. It has to deal with customary 20 and traditional use determinations for 13(E) and 20(C) and 21 he'll explain all the details. I don't have my notebook here 22 to tell you what page so let me find that real quick.

CHAIRMAN MORGAN: 167 -- yes, 167.

MR. MATHEWS: Okay, 167 would be where the analysis is 27 and Hollis Twitchell will be presenting it.

CHAIRMAN MORGAN: Hollis.

MR. TWITCHELL: Good morning. Hollis Twitchell, Denali 32 National Park. I want to thank you, Mr. Chair, for deferring 33 the proposal for this morning for me. Beginning with the draft 34 analysis in March 1997 Dan O'Connor submitted a letter to the 35 Federal Subsistence Board requesting an individual customary 36 and traditional use determination for use of moose on Federal 37 lands and Denali National Park in Units 13(E) and 20(C). Dan 38 O'Connor holds a National Park Subsistence use permit, however, 39 he cannot use moose resources on Federal lands since he resides 40 in Healy which does not have a positive customary and 41 traditional use determination for moose.

The Federal Subsistence Board normally makes customary 44 and traditional use determinations of fish and wildlife 45 populations for subsistence based on community or area. On 46 National Park Service lands, the Federal Subsistence Board may 47 determine customary use for fish and wildlife populations on an 48 individual basis. This provision within the Federal 49 Subsistence Management regulations was provided to accommodate 50 local rural subsistence users who are eligible to use Park

lands and monuments but reside in a rural community or an area that doesn't have a positive customary and traditional use determination.

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This process for doing an individual exception to a c&t determination has not been done before so this will be a first 7 case using this provision within the Federal regulations. As 8 such, there is no process laid out on how to best present an 9 individual's request. It was Park Service's intentions simply 10 to move it forward as a special action to the Federal 11 Subsistence Board. The Fish and Wildlife Service requested 12 that this be prepared as a proposal and as such, we have 13 organized the analysis in a narrative form based on information 14 that Dan O'Connor submitted when he applied for his subsistence 15 use permit and then with several additional interviews to 16 gather further information. Since this is a first occasion for 17 this process, I thought it would be good to go through the 18 analysis and I'll do that at this time.

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The O'Connor family have depended upon moose in Alaska 21 as the primary source of sustenance for four generations and 22 have regularly and consistently hunted moose for 57 years in 23 Unit 13 and $2\bar{0}$. Dan O'Connor's grandfather settled in Palmer 24 in the 1940s. Dan O'Connor's father, Pat O'Connor's moose 25 hunting began in 1948 and has continued uninterrupted through 26 1997. Dan O'Connor has participated in moose hunting since he 27 was a young child and has actively hunted himself every year 28 since 1971. Dan O'Connor is an eligible subsistence user for 29 Denali and he resides -- and he resided in McKinley Village 30 prior to his moving to Healy in 1981. Upon his move to Healy, 31 Dan applied for and received a subsistence use permit to use 32 the Park additions for Denali National park. Dan O'Connor 33 personally harvests and uses a moose every year and moose is 34 their primary resource since the caribou seasons in 20(C) in 35 the Healy area have not been open for a number of years.

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The O'Connor families have hunted and harvested and 38 shared moose every fall season from 1940 to the present 39 seasons. The O'Connor family essentially hunts or traps all 40 year long depending on the seasons for fur bearers, ptarmigan, 41 spruce hen, hare, bear caribou and sheep. Fall moose hunting 42 activities have always been a regular family event despite 43 extensive regulatory restrictions and closures which effect on 44 their traditional seasons and use areas. As an example, a 45 variety of regulatory restrictions on State and Federal lands 46 within the region, they've had an effect on the efficiency and 47 economy and effort of -- and their use patterns.

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The Healy-Lignite Control Used Area just east of Healy 50 in Unit 20(A) is restricted to bow and arrow hunting only. The

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1 Yanert Control Use Area east of McKinley Village and the Wood 2 River Control Use area east of Healy are restricted to non-3 motorized access only for hunting and transporting any large 4 animals. Park Service regulations on Park lands restrict the 5 use of ATVs and aircraft as the means of access for subsistence 6 wildlife harvest. In most of the winter hunting seasons it 7 would provide a relatively easy access to moose have nearly all 8 been eliminated.

The O'Connor's travel to hunting areas by foot, boat, 11 and/or off road vehicles to hunt moose with rifles. They 12 transport wildlife resources using traditional ground access 13 methods typical for the area. Despite many regulatory changes 14 to the seasons and bag limits, access methods and means and 15 areas open to subsistence harvesting moose, the O'Connor 16 families have continued to maintain a reoccurring pattern of 17 use within the area using the traditional methods and means 18 which are characterized by efficiency and economy of effort.

The O'Connor's have hunted and harvest moose by 21 reasonable ground access to areas near their residence or 22 community in Units 13(E), 20(C) and 14. They have hunted 23 primarily in Unit 13 during the early years of 1940, 1950s and 24 the 1960s. Then they shifted their primary use areas to Unit 25 20 and have been utilizing that area for the past 15 to 20 26 years.

MR. SAM: Do we have to go through all this?

MR. TWITCHELL: I was intending to. There's just 31 several more paragraphs that I was going to go over. Would you 32 like me to continue?

CHAIRMAN MORGAN: Go ahead.

MR. TWITCHELL: The O'Connor's generally hunt in the 37 same locations and travel further to other areas such as 38 Willow, Teklanika, Bull River and Tolovana only when necessary 39 due to regulatory closures or restrictions, weather, water 40 conditions or availability of moose and competition from other 41 hunters.

The O'Connor's use all eligible parts of the moose. 44 Freezing meat outdoors is done during the colder months. 45 not usually possible during the September so most of the meat 46 is either canned or stored in freezers to preserve it. Some 47 portions of the moose are processed by a drying, jerky. The 48 O'Connor's use the same process that they learned from -- Dan 49 O'Connor uses the same process he learned from his parents and 50 grandparents and is passing those skills and knowledge on to

his son. Such handling techniques are common both historically and during the contemporary across the state.

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When the weather conditions permit Dan also brings out non-edible parts of the moose which he uses as trapping bait.

O'Connor's grandparents learned their hunting skills regarding Alaska in the Palmer area between Palmer and Glennallen. Dan, as a young boy accompanied his father and mother and often other relatives long before he was actually old enough to hunt himself. He has hunted moose every year since he was 10 years old. And Dan continues these traditions with his family and is passing them along to his children.

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In terms of sharing, they always shared their harvested 15 resources between family members and between non-family members 16 who participated with them on hunts. They traditionally share 17 moose resources with annual community events such as the 18 potlatch, holidays and social gatherings. They also share 19 their resources with their friends and neighbors when in need 20 and with those who assisted in processing with the harvest.

21 22

Moose were and still are the O'Connor family as a primary source of meat. The family uses a variety of subsistence resources, such as caribou, sheep, bear, ptarmigan, spruce hen, hares, fish, and fur bearers such as beaver, and marten, fox, wolf, lynx and otter. Often multiple generations and several of the O'Connor households participate in the fall hunting processing activities together. Approximately 85 percent of Dan O'Connor's family meat comes from hunting. Typically wild land resources provide meals five out of seven days per week.

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The preliminary conclusions are to adopt the proposal. 34 Justification is that testimony provided by Dan and Pat 35 O'Connor provides adequate documentation that the O'Connor's 36 have customary and traditionally harvested moose. His family 37 relies on a wide diversity of subsistence resources since 38 1940's and they have an uninterrupted pattern of moose hunting 39 from 1948 through 1997. Dan O'Connor personally participated 40 in hunting moose since 1971 to the present and he also engages 41 in hunting and trapping a variety of species. Records indicate 42 that he has primary used Unit 20(C) for moose hunting. He has 43 been not able to use Unit 13(E) since 1987 due to regulatory 44 restrictions. However, this unit has been used in the past by 45 both himself, his father and grandfather. Comparatively, Dan 46 O'Connor's subsistence practices are similar to the other five 47 Denali National Park subsistence permit holders in the McKinley 48 Village area or the nearby resident zone of Cantwell. 49 O'Connor and his family had established a customary and 50 traditional use of moose long before Dan's move to the

community of Healy. He should be granted an individual exception to utilize subsistence resources from Denali National Park lands within Units 13(E) and 20(C).

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That concludes the primary conclusions. There were two comments received regarding this proposal If there's no one 7 here from the State, I can read the State's comment. The ADF&G 8 comments were do not support outside of Park. Comments 9 deferred pending review of Staff analysis for National Park 10 portion. As a general rule, the Federal Subsistence Board has 11 authority to evaluate and recognize customary and traditional 12 uses only on a community or area basis. The one exception for 13 this rule is for National Parks and Monuments where individual 14 determinations may be made. The Board does not have authority 15 to make individual c&t use determinations for the requester, 16 that applies to all of Units 13(E) and 20(C). However, the 17 Board may make individual determinations for uses of Denali 18 National Park. Upon a positive c&t use determination, this 19 individual could participate in subsistence uses within Denali 20 National Park if he lives in the Park's resident zone or if he 21 qualifies for an individual permit from the National Park 22 Service under a 36 CFR 13.44. Because resident zones an 23 individual 1344 permits do not apply to National Preserves, 24 individual c&t use determinations are unwarranted in these 25 areas. The c&t use determinations for National Preserves 26 should be made only on a community or area basis. 27 completes the State's comments.

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The other comment came from the Denali Subsistence 30 Resource Commission. Regarding Proposal 38, they passed a 31 motion to support the proposal. The Commission supports 32 Proposal 38 as written as stated in the Commission's letter to 33 the Federal Subsistence Board dated March 29th, 1997. The 34 Commission is familiar with the O'Connor's family subsistence 35 use of moose resources from Denali National Park and believes 36 his request for an individual exception to use of moose from 37 Park lands should be granted. That was by unanimous vote.

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That completes the comments that I've received.

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CHAIRMAN MORGAN: Vince.

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MR. MATHEWS: Mr. Chairman, Eastern Interior did take 44 up this proposal. And what they did is up on the overhead. 45 But basically the capsulization of it is that they support the 46 proposal with modification that all 13, which he mentioned CFR 47 36 13.44 permits will qualify for customary and traditional use 48 in the units as described.

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The main reason they did that is because they didn't

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want all these names listed in the reg book and they essentially didn't want others to come back before the Council. They felt that the 1344 permit met the intent of the eight factors. And so if you need more elaboration on that, George or the rest of the Staff can talk about what Eastern did. But that's essentially what they did.

MR. SAM: Are we required to take action on this?

MR. MATHEWS: Well, you're not required to take action, 11 but it's been a long, long situation there with that. You are 12 in the western part of the -- your jurisdiction covers just 13 part of the -- down in here is where your region comes in. So 14 that's why it's before you. And also because of your -- 15 because this is the first application, you have another Park in 16 your area which is Gates of the Arctic and you touch upon Lake 17 Clark. We don't usually deal much with Lake Clark, but with 18 Gates of the Arctic we've had a lot of issues on that and Jack 19 can enlighten you on that that as far as we're constantly 20 looking at how the Park Service in Unit 24 interplays with this 21 program and vice versa, so that's why it's before you.

MR. TWITCHELL: The villages of Nikolai and Telida have 24 c&t for use of moose resources in 20(C). So in essence, 25 there's villages within your region that do use moose resources 26 within Unit 20(C). That's another reason why it's presented 27 here.

MR. COLLINS: Mr. Chairman.

CHAIRMAN MORGAN: Ray.

33 MR. COLLINS: Mr. Chairman, I'd like to move approval 34 with the change that the wording suggested by the Eastern 35 Interior be inserted in place of the name, Pat O'Connor so that 36 anybody who qualifies -- well, that's the intent, anybody who 37 qualifies for permits could get them.

MR. SAM: I second the motion for discussion purposes.

CHAIRMAN MORGAN: There's a motion....

43 MR. SAM: And I just -- I personally don't like to deal 44 with....

46 CHAIRMAN MORGAN: There's a motion on the floor for the 47 acceptance of 38 with the provisions from the Eastern. 48

49 MR. COLLINS: Right. The wording subsisted for the 50 name Pat O'Connor; is that understood?

MR. MATHEWS: Yes, it's understood that it would be all 1344 permittees.

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MR. COLLINS: Yeah.

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MR. MATHEWS: And realize for the other members, Hollis and other Park Service are here to explain 1344. There's no intent to leave you out and what that means, et cetera. We can explain what that is, I mean Jack and Ray are intimately aware 10 of 1344 permits.

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CHAIRMAN MORGAN: And seconded for discussion. Go 13 ahead.

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15 MR. SAM: Okay. I would like to know about 1344 16 provisions.

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CHAIRMAN MORGAN: Go ahead.

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20 MR. TWITCHELL: There are two mechanisms that the Park 21 uses to identify who are local rural users who have customary 22 and traditional use of Park resources. The first method is by 23 identifying communities that have a significant concentration 24 of people who are dependent upon Park resources. Those are 25 known as resident zones. And for Denali there are four 26 resident zones, Cantwell, Lake Minchumina, Nikolai and Telida.

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For people who don't live within those communities 29 there is the individual application for a 1344 permit in which 30 the individual applies and if they can show that they've had a 31 personal or family history of use of dependence on Park 32 resources for an extended period of time then they would be 33 granted a permit by the superintendent. So we have about 16 34 individuals who live in other areas other than those four 35 resident zone communities who have permits, and one of them is 36 Dan O'Connor and he's had a permit ever since he moved away 37 from his father's household in 1981 in which time he moved to 38 Healy. So he was granted a permit based on his family's past 39 use as well as his own personal use.

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MR. COLLINS: Mr. Chairman.

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CHAIRMAN MORGAN: Ray.

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MR. COLLINS: Yeah, Mr. Chairman, I'd like to speak to 46 this because we've been involved in this for a long time. This 47 is extremely critical, I think because it is precedent setting, 48 it's the first one of these permits recognized.

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The reason I say it's important, what we were talking

about yesterday about, should this whole area be given c&t here or and we say generally maybe the area does not qualify but there may be individuals that are going over there. For instance now when we talked about the Koyukuk River and they were talking about excluding that except for residents there, I guess there's some families from Tanana that have traveled down there for a long time, Native Alaskans who traveled down there and hunted and they could be excluded by some of the provisions that we are providing. We've never gone to look at individuals 10 before but it may come up in the future.

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And since they do qualify as an individual, I think we should approve it for that purpose. Originally in the State 14 provisions they were looking at individuals. And the wording 15 originally in the State -- we went through this on the old 16 regional interior, remember Dick Fish, the wording was in 17 there, and individuals, but the State only wants to look at 18 communities. And so again, if the community had changed, you 19 know, this rural/non-rural, where a community changed, all of a 20 sudden you would have a majority of the community are non-rural 21 so then everybody could have lost their rights unless you went 22 to individual. So it could become important in the future, 23 although we don't know that will happen. But that's why I 24 think it's important we approve this.

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MR. MATHEWS: And the permits are important to the 27 Wrangell St-Elias area where you don't know where one community 28 possibly ends and another one begins. There's people in 29 between, so 1344's -- I know Wrangell's not in your area but 30 Denali has a similar situation on the east side. So that's -- 31 the 1344 is a Park Service permit. What we're talking about 32 here is a Federal Subsistence program eligibility under c&t and 33 it is in regulation that the Park Service can have individual 34 c&t's.

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CHAIRMAN MORGAN: Go ahead.

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MR. TWITCHELL: For the most part the community and 39 area of c&t determinations are working very well and they 40 accommodate almost all of our uses and needs. There are a few 41 exceptions and Dan O'Connor is one of them who happens to 42 reside in a community that does not have a lot of subsistence 43 Park users and it's not recognized as being a subsistence 44 resident zone for the Park. So individuals there, the 1344 45 permits are very important for those families and households.

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CHAIRMAN MORGAN: Ron.

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49 MR. SAM: Yeah, we've been dealing with these 50 individual requests out of the Gates of the Arctic, too. And

we've never really resolved the problem because at that time we went before the State and I think we shot it down because it's in total conflict of our advisory committee wishes, too, because of certain things that they wanted in these proposals and its recognition. And I agree with Ray here that we have to deal with it sooner or later, it's just that I do not want to ever deal with it on an individual case. If we deal with it once, everyone should qualify and the Park should be able to handle it on their own. And I just do not want to see individual requests come up before this Council.

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CHAIRMAN MORGAN: Yes.

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14 MR. SAM: If we set a precedence now so be it and help 15 these individuals deal with the respective agencies instead of 16 the Councils from now on.

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CHAIRMAN MORGAN: Jack.

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MR. REAKOFF: Mr. Chairman, I've wondered about dealing 21 with the c&t's on a community basis. There are many Native 22 allotments that are outside of communities and if individuals 23 wanted to move out to their allotment and live there on a 24 permanent basis, I'm very reluctant to have only a community 25 c&t determination. I've thought that there should be a 26 provision under the Federal Board system for an individual 1344 27 type permit for areas that aren't within a Park unit. And I 28 feel that that is kind of a necessary component -- should be a 29 necessary component of the Federal program. I, too, don't want 30 to see a big list of names in a regulation book about this 31 thick like a phone book. I just -- I feel that Dan O'Connor's 32 1344 permit qualifications meet all of the criteria, but I feel 33 that like the Eastern Interior says there, that if the 1344 34 qualified permit holder lives on an adjacent unit to the c&t 35 area where he had prior use c&t, then his place of residence as 36 long as it's a rural place of residence really shouldn't be a 37 factor and shouldn't have to be listed as an individual in the 38 book.

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So I feel that there's just a twisting of the regulatory language as to accommodate Mr. O'Connor and I'm happy to see it. You know, this has been a time consuming thing, but it brings out a point of, you know, as communities expand there's certain individuals who may want to go to their Native allotments which may be several miles away and not actually within the community and actually wouldn't qualify with the c&t on a community basis.

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49 CHAIRMAN MORGAN: Anymore questions or comments? 50 Different agencies. State. Public. Council.

00132 MR. REAKOFF: Mr. Chairman. 1 2 3 CHAIRMAN MORGAN: Jack. 4 5 MR. REAKOFF: Mr. Chairman, I'd like to see Eastern 6 Interior's language again that was on the overhead there. 7 8 MR. MATHEWS: And again, this is just a summation of 9 it, but basically that's it, they want all 1344 permittees 10 qualified.... 11 12 MR. REAKOFF: To qualify they'd have to be a rural 13 resident. 14 15 MS. MEEHAN: So the motion that the Eastern Interior 16 adopted was that the Federal Subsistence Board should adopt all 17 1344 permits as eliqible c&t users and left it at that. And by 18 having eligible in there, that covers the rural concern. 19 20 MR. SAM: Mr. Chairman. 21 22 CHAIRMAN MORGAN: Ron. 23 24 MR. SAM: Could you repeat that motion? 25 26 MS. MEEHAN: The Federal Subsistence Board should adopt 27 all 1344 -- eligible 1344 permit holders and do not list 28 individual names in the regulations, that was their other part. 29 30 MR. SAM: Do we want that language in there? 31 32 MR. COLLINS: Yeah, I think that would -- I wanted to 33 go along with their motion, to support what -- because the 34 approach they took, I think the approach that should be taken. 35 36 MR. SAM: Yes. 37 38 MR. COLLINS: That was my intent. 39 40 MR. SAM: Yes, could you modify that motion? 41 42 The motion was in support in line CHAIRMAN MORGAN: 43 with the Eastern.... 44 45 MS. MEEHAN: Yes. 46 47 MR. COLLINS: Support the proposal with the qualifying 48 language that -- so you end up then removing that individual's 49 name. They'll have to figure out, technically, how they're 50 going to write it up in the reg, I guess.

00133 Trust me, they're good at doing that. 1 MS. MEEHAN: 2 3 MR. COLLINS: I know, that's the thing so I won't try 4 to do that. 5 6 CHAIRMAN MORGAN: Could you reread the motion? 7 8 MS. MEEHAN: Adopt the recommendation to match Eastern 9 Interior Board, which is, the Board adopt all 1344 permit 10 holders and do not list individual names in the register. 11 12 CHAIRMAN MORGAN: Right? 13 14 MR. COLLINS: Yes. 15 16 CHAIRMAN MORGAN: Does the second concur? 17 18 MR. SAM: Yes. 19 20 CHAIRMAN MORGAN: Anymore questions on Proposal 38? 21 22 MR. SAM: Question. 23 24 CHAIRMAN MORGAN: Question's been called for on 25 Proposal 38. All in favor of Proposal 38 with modifications 26 signify by saying aye. 27 28 IN UNISON: Aye. 29 30 CHAIRMAN MORGAN: All opposed same sign. 31 32 (No opposing responses) 33 34 CHAIRMAN MORGAN: 38's passed. 35 36 MR. REAKOFF: Mr. Chairman. 37 38 CHAIRMAN MORGAN: Jack. 39 40 MR. REAKOFF: I'd like to make a motion that in our 41 next annual report that we have a point of concern that there's 42 the need for an individual use permit type -- 1344 type system 43 for rural residents who do not live within communities and some 44 type of a provision for those individuals. Because the ANILCA 45 law protects the rural residents, it doesn't just say community 46 residents, the residents for personal family consumption. 47 Those people, more than likely are living totally off the land 48 and should be -- their subsistence should be very much 49 protected, as much as anybody else's. So I would like to see 50 that in the -- or can that be brought forward into the Staff

00134 after the Board meeting this summer or.... 3 MR. MATHEWS: Well, you do have the option, the annual report draft is in front of you. You know, I mean it could be done that way. I think I would need clarification because it 5 seemed to be your trend with c&t determinations was not to 7 exclude others and to not have so restrictive c&t's, this is 8 going in.... 9 10 I mean if there's.... MR. REAKOFF: 11 12 MR. MATHEWS:the opposite. 13 14 If there's a need..... MR. REAKOFF: 15 16 MR. MATHEWS: If there's a need, okay. 17 18 MR. REAKOFF: You know, like where I'm coming from on 19 this one is it's been identified that there may be in the 20 Dalton Highway Corridor it's for Wiseman for caribou and 21 different animals, brown bears and things, there may be 22 individuals who live within there, but the other -- there's 23 agency people and there's pipeline camps and that's why that 24 restriction is in there. There may be individuals who could 25 qualify as rural resident subsistence with an individual use 26 permit, but to make a blanket policy for the whole corridor is 27 not -- you couldn't do that. You'd have all kinds of -- I have 28 a problem with agency people that receive COLA coming and live 29 -- are paid to live there and then competing with local 30 subsistence users. I -- this was a problem with the military 31 installations at Galena and we were going to address that but 32 they took all the military people away and that problem 33 evaporated. But I feel there's the need for an individual use 34 permitting system. It may only be rarely used or occasionally 35 used but I feel that there should be a provision if that 36 individual has to have that provision. 37 38 CHAIRMAN MORGAN: I think we're getting ahead of the 39 motion. I should get a second. What was the original motion? 40 41 MR. REAKOFF: Well, I want to have this in the annual 42 report. 43 44 MR. MATHEWS: To have individual c&t. 45 46 CHAIRMAN MORGAN: There's no motion it's just a 47 suggestion. 48 49 MR. MATHEWS: Well, it'd be easier for me to handle and

50 others to handle if it was a motion.

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CHAIRMAN MORGAN: Okay.

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MR. COLLINS: I'll second it.

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MR. MATHEWS: And we'll revisit the annual report, but....

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MS. MEEHAN: Mr. Chairman.

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CHAIRMAN MORGAN: Yes.

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MS. MEEHAN: There's another opportunity that you could 13 bring this issue up and it strikes me that this is part of a 14 broader issue that you have been discussing throughout the 15 meeting and that is is how we approach c&t. And I've watched 16 you struggle with it and Eastern Interior also struggle with 17 essentially the philosophy of how c&t is set up and how it's 18 applied. And so something you could certainly bring it up in 19 your annual report, another forum is prior to the Board meeting 20 there will be a joint Chair/Board meeting and so it's an 21 opportunity for your Chairman to bring it up with the Board as 22 an issue that the program needs to look at. So it's just 23 another opportunity to consider.

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MR. REAKOFF: Mr. Chairman.

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CHAIRMAN MORGAN: Jack.

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MR. REAKOFF: I would like to see it in the annual 30 report because these things that are brought up in the annual 31 report are like highlighted things that need to be addressed 32 and I would like to see it in there. It can be moved forward 33 at Chair meetings or however else before that, but I would 34 still like to see it in that annual report.

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CHAIRMAN MORGAN: Ron.

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MR. SAM: Yes. I stand with Jack on this because one 39 of our scariest things to deal with is the Dalton Highway and 40 the transients that utilize the Dalton Highway Corridor. We 41 know that people are going all the way to the North Slope to 42 hunt caribou or moose or whatever they can, you know, brown 43 bear.

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CHAIRMAN MORGAN: Question's or comments on the motion? 46 If not, could we repeat the motion, please?

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48 MR. MATHEWS: What I have is in the next annual report, 49 include individual c&t determinations for rural residents that 50 don't live in communities. And this would be for the whole

Federal program. So it would be individual c&t's for the Federal subsistence program for rural residents that don't live within resident community zones.

MR. COLLINS: A process should be developed or, I mean you need more than that wording, don't you, to tell....

MR. REAKOFF: Well, I would rather use the 1344, 9 because we don't really need to reinvent the wheel. The Park 10 Service already invented that wheel. So I would rather use the 11 wording of a 1344 type permit.

MR. COLLINS: Should be expanded to.....

15 MR. REAKOFF: For individuals who do not live within 16 communities.

MR. COLLINS: As the seconder, I'll agree with that.

20 CHAIRMAN MORGAN: Anymore comments or questions on the 21 motion? If not, all in favor of the motion signify by saying 22 aye.

IN UNISON: Aye.

CHAIRMAN MORGAN: All opposed same sign.

(No opposing responses)

30 CHAIRMAN MORGAN: Motion's passed. Okay, next on the 31 agenda is Proposal 93.

33 MR. MATHEWS: Proposal 93 and we probably need to -- I 34 think that George is going to do this as far as review what 35 Northwest did on proposals that you overlap with. And I put a 36 handout on your pile at each of your stations of the summary 37 from the Northwest Arctic Regional Advisory Council.

MR. SHERROD: Just to refresh Proposal 93, it dealt 40 with black bear in Unit 23 and I had suggested yesterday that 41 this body might consider, based on the actions with the other 42 black bear proposals taking no action. Jack so wisely pointed 43 out that we should know what Northwest did before we defer to 44 them or take no action on it.

Northwest supported the Staff modification and 47 conclusion which is on Page 192. And that would be for black 48 bear in Unit 23 would be residents of Unit 23, Galena, Huslia, 49 Hughes, Allakaket, Alatna and Koyukuk.

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           CHAIRMAN MORGAN: Any correspondence on this?
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           MR. MATHEWS: There's just State comments and they're
4 more than willing, the mic is open for them but I have no other
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  written comments on Proposal 93.
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           CHAIRMAN MORGAN: In that case entertain a motion to
8 accept.
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           MR. SAM: So moved.
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           CHAIRMAN MORGAN: There's a motion to accept.....
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           MR. REAKOFF: Second.
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           CHAIRMAN MORGAN:
                            .....Proposal 93 and seconded for
17 discussion. Any discussion?
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           MR. REAKOFF: Mr. Chairman.
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           CHAIRMAN MORGAN:
                             Jack.
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           MR. REAKOFF: Mr. Chairman, I have a letter that was
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24 written by the Subsistence Resource Commission to the Chair
25 person of the Northwest Arctic Regional Council signed by the
26 Chairman of the Subsistence Resource Commission, Raymond
27 Paneak. The Subsistence Resource Commission of the Gates of
28 the Arctic Park voted unanimously to support the Federal
29 subsistence Proposal 93 c&t for black bear in Game Management
30 Unit 23 only if the residents in the communities along the
31 Koyukuk River, Unit 24 are included in the positive
32 determination. The Northwest most portions of the Gates of the
33 Arctic National Park Preserve are within the GMU 23 and we
34 believe that the rural residents in Koyukuk River communities
35 have customary and traditionally harvested black bear in those
36 portions of Unit 23. Thank you for your considerations of this
37 amendment to Proposal 93.
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39
           And that's where -- they were amiable and the Staff, I
40 guess, made the same conclusions.
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           CHAIRMAN MORGAN:
                             Anymore discussion?
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           MR. SAM: Mr. Chairman.
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           CHAIRMAN MORGAN:
                             Sam.
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          MR. SAM: Yes, are we leaving Evansville and Bettles
49 out of this or what was your finding?
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MR. REAKOFF: Well, we would -- we discussed -- we weren't exactly sure how far up the river to go. I do feel that there are people in Evansville that go -- have gone over and traditionally gone -- there's people that are from that Kobuk country that live in Evansville. So I feel that Evansville should be included in that c&t myself.

CHAIRMAN MORGAN: Ron.

MR. SAM: Yeah, I see your point on that now, Jack.

11 And we do have two or three winter trails that go right direct
12 to the head of Kobuk River which we travel to that area and
13 utilize not only for black bear, we utilize caribou, too. And
14 I think we'll be discussing the caribou aspects a little later.
15 So with that in mind then, I haven't seen that much use of
16 these trails for Bettles or Evansville residents, but I still
17 would feel better if they were included.
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MR. REAKOFF: Yeah.

21 MR. SAM: So I would amend the motion -- amend that 22 proposal to include Bettles and Evansville.

MR. REAKOFF: Second.

26 CHAIRMAN MORGAN: Motion to include Bettles and 27 Evansville on the Staff recommendations.

MR. SAM: Yes.

MR. REAKOFF: Yes.

CHAIRMAN MORGAN: On Proposal 93.

MR. COLLINS: Mr. Chairman.

CHAIRMAN MORGAN: Ray.

39 MR. COLLINS: Mr. Chairman, I'd like to speak to the 40 motion to amend.

CHAIRMAN MORGAN: Yes.

MR. COLLINS: I wonder if want to add wording but we 45 would -- something to the effect that we would prefer that no 46 determination be made and it be left open to all -- in line 47 with our other decisions; do you see what I mean? Here we're 48 saying find it and the others we said, make no finding and it 49 remains open to all. Do we have that feeling here or do we 50 want to make a finding? Because we're changing what we've been

00139 doing yesterday. If they do that, we need all these 2 communities included and so on. But if they made no finding, 3 then it would remain open to all rural. 5 MR. REAKOFF: Mr. Chair. 6 7 CHAIRMAN MORGAN: Jack. 8 MR. REAKOFF: I would rather it be that way. I would 10 rather there be no determination. But since this is the 11 Northwest Arctic's proposal -- since this is a Unit 23, since 12 we may cut ourselves off, I would rather put in for that with a 13 footnote that we'd rather have no determination. But our first 14 pick is this and the second pick is that. 15 16 CHAIRMAN MORGAN: Anymore questions on Proposal 93? 17 Comments. Agencies. State. Staff. 18 19 MR. SAM: Ouestion. 20 21 CHAIRMAN MORGAN: Question's been called for. All in 22 favor of Proposal 93 as amended adding Bettles and Evansville. 23 24 MR. COLLINS: Point of order, Mr. Chairman. 25 26 CHAIRMAN MORGAN: Excuse me. 27 28 MR. COLLINS: I think what we have before us is a 29 modification of that that we have to pass first. They amended 30 the proposal by adding in Evansville and I think you have to 31 adopt that and then the main motion. 32 33 CHAIRMAN MORGAN: Okay. Now, to vote on the 34 modification, all in favor of the modification to add Bettles 35 and Evansville to this Proposal 93 signify by saying aye. 36 37 IN UNISON: Aye. 38 39 CHAIRMAN MORGAN: All opposed same sign. 40 41 (No opposing responses) 42 43 CHAIRMAN MORGAN: The modification has been passed. 44 Now we'll vote on Proposal 93 as modified. 45 46 MR. SAM: As modified. 47 48 CHAIRMAN MORGAN: All in favor of Proposal 93 as 49 modified signify by saying aye.

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IN UNISON: Aye.

CHAIRMAN MORGAN: All opposed same sign.

(No opposing responses)

CHAIRMAN MORGAN: Proposal 93 is passed as modified. Okay, Vince.

MR. MATHEWS: Mr. Chairman, I suppose I'll just jump in 11 and do this. The Northwest took up Proposal 69, you have that 12 in front of you. You've already dealt with 68, 72, 73, 74, so 13 now you officially have what they did at Northwest in front of 14 you because you were asking when those came up. So for 72, 73, 15 74, no action, they deferred to you guys. And for 69 they 16 supported it. And just so the record reflects that you have 17 Northwest's actions.

CHAIRMAN MORGAN: So noted.

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21 MR. MATHEWS: The reason I do that is when it -- if we 22 don't do it on the record, per se, then the Board might say 23 well, you didn't know of the other one.....

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CHAIRMAN MORGAN: Yes.

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MR. MATHEWS:then the Councils need to meet again 28 and et cetera and it gets costly and timely.

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MR. REAKOFF: Mr. Chairman.

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CHAIRMAN MORGAN: Jack.

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MR. REAKOFF: Mr. Chairman, I was wondering how 35 appropriate it would be if we sent a letter with this Proposal 36 93 stating that our current line of thinking on the c&t's for 37 black bear and bear in general within the Western Interior has 38 been no determination. Some of the reasons that I feel that a 39 no determination, you know, besides the ones that we put out 40 yesterday where the harvest of black bear is actually -- it 41 stimulates the bear population. The more bears -- they kill 42 each other, you know. So like 50 percent of the cubs are 43 killed by other bears so harvest of bears basically doesn't do 44 anything to the bears and there's adequate bear numbers and 45 it's not really necessary for a determination. I would like to 46 kind of convey that to the Northwest Arctic Chair through -- at 47 the Chair meeting before this proposal is actually adopted. 48 You know, I would rather that they see it the way we're looking 49 at it. And can you convey that at the Chair meeting or how can 50 we do that?

MR. MATHEWS: Well, the option that you're bringing up 2 would probably be the best way to go would be a letter. I'd 3 get Carl to sign it that way the Chair of Northwest knows ahead 4 of time and then when Carl or whoever goes to the joint Chair, I assume it will be Carl then they would bring it up. But the 6 letter would help because I'm not sure if -- you know, who's 7 going to go for Northwest, so it would be -- they would be able 8 to think about it ahead of time. So there's no problem writing 9 a letter if that's the desire of the Council.

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CHAIRMAN MORGAN: Ron.

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13 MR. SAM: Yeah, I think that this letter is needed but 14 we should go ahead and headline our Eastern Interior, Yukon 15 Kuskokwim, Northwest Arctic, these are the ones that we deal 16 with.

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CHAIRMAN MORGAN: Bristol Bay.

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MR. SAM: Bristol Bay that we have similar proposals 21 and I think this letter would be helpful to them by introducing 22 -- determining what they want in their proposal because we're 23 letting them know that we are leaning towards a no 24 determination because a lot of these areas and some species 25 are....

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MR. MATHEWS: If that's the wishes I can do that.

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CHAIRMAN MORGAN: Yes.

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MR. MATHEWS: It doesn't need to be a motion unless 32 someone wants to....

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CHAIRMAN MORGAN: Okay. A directive then.

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MR. REAKOFF: Mr. Chairman.

CHAIRMAN MORGAN: Jack.

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> 40 MR. REAKOFF: I think Ron's exactly right there. You 41 know a lot of this country is all road -- not road connected 42 and it's not really a concern. It's an undue restriction on 43 the subsistence users.

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45 CHAIRMAN MORGAN: Okay. I think the next thing on our 46 agenda is Item 10. Before we go on to Item 10, I know I went 47 -- yesterday I went real long without no breaks so I heard some 48 moaning and groaning about it, so take five.

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(Off record)

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(On record) 2

CHAIRMAN MORGAN: Call the meeting back to order.

MR. MATHEWS: The next, as you already mentioned is the annual report and that's under Tab R as in Rampart.

I think maybe the best way to do this -- I'll explain 9 how we've got to this point and then maybe give you time to 10 review it. At the last meeting you listed or brought up 11 several topics, some from other annual reports, some new ones 12 and then I drafted up some language for that and then ran it by 13 the Chair and then he felt it was okay but wanted the whole 14 Council to look at it which you normally do at this meeting. 15 So I think at this point would be maybe for you guys to look at 16 it and then I'll be asking you some specific questions. And I 17 don't have all my notes in front of me but I think there's two 18 other items that have come yesterday and one today that you may 19 want to further discuss on the annual report. I don't know if 20 we need to rediscuss the one from this morning. So I'll just 21 stop and let you guys look at the annual report.

(Pause)

Okay, let me ask some specific questions. I suppose I 26 just need to be honest but when this is presented to the Board 27 I have to -- I'm the one that mainly presents it to the Board 28 and, you know, all those big shots and Mitch, I don't really 29 want to get on their wrong side. On Page 2, paragraph one, the 30 first paragraph there, is that all right with you to request 31 firm commitments and financial support effecting managing 32 agencies? Is that all right with you? And request a Board 33 endorsement? I suppose what I'm doing is intensifying the 34 language from support to endorse?

Okay, let the record show that heads are nodding and 37 that's okay. All right on Page 3, I think it would read better 38 if I drop the one and two underneath harvest collection. They 39 are just to make it easier to read. All right. Let's see, a 40 letter was sent -- well, we'll just cover it as we go through 41 this, a letter was sent to all the tribal councils. We didn't 42 get any written response. We did get a phone conversation with 43 Kuskokwim Native Association on it, but that's it. 44 doesn't mean that it's not out there kicking. I just needed to 45 report back that there's been nothing officially done. I think 46 some of the village councils have looked at it and discussed it 47 but are waiting to see, you know, waiting -- just to wait on it 48 because it's -- anyways.

CHAIRMAN MORGAN: Vince.

MR. MATHEWS: Excuse me.

CHAIRMAN MORGAN: He's got a question. Ron.

MR. SAM: Not a question, but the letter you're talking about is received and especially well received and appreciated by Koyukuk River Advisory Committee and our moose control -- I mean moose co-management committee because we've been harping on this issue for quite some time and I think this letter is 10 overdue and appreciated. Thank you.

MR. MATHEWS: Okay. The last paragraph under that 13 harvest collection on number three, I put in there the sentence 14 the study also would need particular attention on the trend for 15 hunter success rates and economy of effort. Does that reflect 16 -- Ray was the main one that talked about that and others. Let 17 me lay out the context of the discussion. The discussion was 18 that harvest success rates doesn't always show the picture 19 because a person that is hunting for meat on the table has got 20 to be successful. So the success rate is not there. And I'm 21 hoping I captured the intent there.

MR. COLLINS: Which one is that? Which paragraph?

MR. MATHEWS: It's the third paragraph under harvest collection.

MR. COLLINS: Okay.

MR. MATHEWS: Does that capture your intent and again support and endorsement?

UNIDENTIFIED VOICE: Yeah, that's fine.

MR. MATHEWS: Okay.

37 MR. REAKOFF: How much dual and how much time people 38 are putting into hunting.

MR. MATHEWS: I only have one last thing to ask and I 41 have it down here to ask of Jack, again, it's the full Council, 42 but he's the one who brought it up and got the Council to 43 support it and that's on Page 4, check station enforcement. I 44 assume Jack looked at it but it's easier for me on the record, 45 and et cetera. Does that capture what was needed for check 46 station enforcement?

48 MR. REAKOFF: Yeah, that was my main objective to the 49 hunter check station. But you know, there's a lot of concern 50 about the Dalton Highway Corridor by, especially people in

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Anaktuvuk about people driving up the road and killing game. And the main concern is the amounts of game being killed and 3 then how much game is being wasted as all subsistence users 4 hate to see these wastes. And one of the main reasons that the inception of the hunter check station was to enforce the wanton 6 and waste regulations. That's where the check station originally came about back in the -- we were discussing this in 8 the SRC and in different meetings about this hunter check 9 station and then in '96 I read in the check station report 10 where wanton and waste violations were let to go through the 11 check station and no referral to those violations was made 12 after the check station -- well, there's no change of making a 13 case a month after the violators have gone on through.

15 It's my opinion that the hunter check station should at 16 least enforce the wanton and waste laws and that if there's not 17 enforcement personnel available at the check station, referral 18 of those violations -- that person should be referred to -- to 19 an enforcement officer in Fairbanks, they're all going to 20 Fairbanks. Well, buddy you've broke the law you got to go and 21 check in and Fairbanks, here's officer's so and so's number and 22 we got your license and everything and we're calling them in. 23 They can call them in, they don't have to enforce them 24 themselves. But at least the wanton and waste law should be 25 enforced, sex identify on the meat or something else, that's

I'm telling you there was some guys that went through 29 Coldfoot last fall, they had three big bull caribou horns in 30 the back of their truck, they had one cooler sitting in the 31 back -- sitting in the sun and they're sitting in there eating 32 breakfast the first part of August -- 75 degrees out, they 33 don't care about that meat at all. Those guys should get a big 34 ticket. That really makes us angry when we see that kind of 35 waste.

26 not important -- as important as this wanton and waste.

36 37

And for the check station, the guy running the check 38 station, I forget what his name was, to state that that was a 39 secondary concern of enforcement -- to compile biological data 40 as the primary concern, it's a mandatory check station, he 41 doesn't -- he's got his priorities all on -- his head screwed 42 on backwards. So that's why this language that addresses that, 43 I wanted to bring that out to the Federal Board. Because 44 there's Federal funding that goes into that check station. 45 There's U.S. Fish and Wildlife, BLM and I don't know, maybe 46 Park Service. So I feel that Federal -- anytime there's 47 Federal funding being spent at that check station that the 48 wanton and waste law is to be enforced.

49 50

CHAIRMAN MORGAN: Vince.

MR. MATHEWS: Okay, there's to things that also I'm 2 trying to streamline this so if it doesn't work please stop me. 3 But in your one under the GASH area, you know, the need for 4 action in that area, I know that BLM, Bureau of Land Management 5 Staff have talked individually to some of the Council members, 6 but I want to point out in the record that they have sample 7 maps of land status. That was one of your actions on the wall. 8 You may want to look at them and give comments back to BLM 9 Staff here on that. So you can see that the process that 10 you've started is starting to bear fruit as far as that one 11 step of a hunter awareness map. That's number one.

12 13

Number two, and I don't think there's anyone here to 14 speak on it, but just in case there is, your letters concerning 15 Park Service on trapping and -- I'm starting to get rattled 16 here, and customary trade, at the Eastern meeting it was 17 acknowledged that the Park Service had received them but no 18 response. I don't know if the Park Service wants to -- has any 19 additional information on that letter because it is part of 20 your annual report. And I don't know if Hollis has any 21 additional information on that. Just so we can keep this alive 22 because it was a point that was very strong from this Council 23 on that.

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MR. TWITCHELL: I've not heard any response coming from 26 the regional office yet. I know they have received the letter 27 and will be responding to it in the future.

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MR. MATHEWS: Okay.

30 31

MR. TWITCHELL: B ut it's well received and you'll get a 32 response officially.

33 34

MR. MATHEWS: Okay. The other two topics are additions 35 to the annual report. Now, again, I'm not suggesting them I'm 36 just going by my notes that have happened the past meeting, 37 yesterday and today. I believe there was discussion about 38 adding individual c&t's, an option in the annual report. Is 39 that still desired? Okay. The other one, I've been approached 40 by several -- a couple of Council members and you discussed it 41 quite a bit yesterday which would be an annual report topic and 42 possibly when we deal with fisheries, is this idea of having 43 c&t's only apply when there's a biological justification for 44 applying it. When the population, let's take caribou, is high 45 then there would not be a need for a defined c&t. I don't know 46 if you want that in the annual report now or not. Again, it 47 was suggested and I know Rosa will probably suggest it again 48 that that would be a joint Chair's topic, but also it could be 49 an annual report topic.

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CHAIRMAN MORGAN: Ron.

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MR. SAM: Yeah, I think this -- but on second thought 4 maybe we should leave it out at this time because this is the 5 first time that we're dealing with trying to lift some c&t's 6 because availability of our resources. And this may be 7 premature by getting it on the annual report. Maybe we should 8 deal with it in another meeting.

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MR. MATHEWS: It's the wishes of the Council. So some 11 are looking at me like I should say yes or no, but I'm not the 12 gatekeeper on this.

13 14

CHAIRMAN MORGAN: Yeah, I agree with Ron.

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MR. MATHEWS: Okay. So then I'll add a discussion on 17 individual c&t's in there. Okay. And just so it's clear to 18 all Council members, to keep this moving along, I'll write it 19 up, the Chair reviews it and approves it and you'll see the 20 final in the mail and then you'll get a response from the Board 21 this fall. All right. And then usually on these, if I'm not 22 real clear I go back to the mover of the motion which would be 23 Jack on this, if I need to and dialogue. Just so everyone's 24 clear, that's how we do it on write-ups. So we don't have to 25 send it to everybody and then wait for everybody to respond.

26 27

All right.

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CHAIRMAN MORGAN: Ron.

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MR. SAM: I'd like a copy of that, your correspondence 32 with Jack because we deal -- we're so close to the Dalton 33 Highway, I can work with Jack on this.

34 35

MR. REAKOFF: Yeah.

36 37

MR. MATHEWS: Well, basically it's not correspondence. 38 I usually just get Jack on the phone.....

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MR. SAM: Okay.

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MR. MATHEWS:and say -- but on this one I'm 43 pretty clear on. But I'm just telling you like if it was your 44 motion, Carl knows this already, I usually call you guys up 45 first and say, did I get this right and then you'd say yes and 46 then I'll go to the Chair and then the Chair is the one that 47 finally approves.

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49 Okay. For annual report, that's all that I had for 50 that topic. So we could move on ahead to the next topic which

00147 will move real fast is Topic 11, which is..... 3 CHAIRMAN MORGAN: Before we continue, we need a motion 4 to.... 5 6 MR. MATHEWS: Oh, sorry, all right. That's right. 7 8 CHAIRMAN MORGAN: Motion to approve the annual report. 9 10 MR. SAM: So moved. 11 12 CHAIRMAN MORGAN: There's a motion to approve the 13 annual report, do I hear a second? 14 15 MS. DEMIENTIEFF: Second. 16 17 CHAIRMAN MORGAN: Seconded by Angela. Any discussion? 18 Hearing none, all..... 19 20 MR. REAKOFF: Question. 21 22 CHAIRMAN MORGAN: Question's been called for. All in 23 favor of approving the annual report signify by saying aye. 24 25 IN UNISON: Aye. 26 27 CHAIRMAN MORGAN: All opposed same sign. 28 29 (No opposing responses) 30 31 CHAIRMAN MORGAN: Item 11, Vince. 32 33 MR. MATHEWS: Okay, Item 11 is your charter which is 34 renewed every two years. If you look under Tab S for 35 Sleetmute, your region -- the only thing that you need to look 36 at that's changing in your charter -- potentially changing and 37 I know Tom or Rosa will get me in the right line if I get off 38 the wrong track is the compensation topic. Let's see, I think 39 everyone was on the Council when that was discussed. 40 sample wording that will go in your charter. The actual 41 compensation question has not been answered or approved, this 42 is just sample in there that will go in your charter and go 43 forward, the compensation is tracking on its own. 44 The other issue is alternates and you didn't request 45 46 alternates so alternates will not be in there. 47 48 And the rest is there just for your information pretty 49 much, that cover sheet is there for your information.

50 Chair or whoever goes to the Board meeting may want to look

this over because some of the other Council Chairs will be discussing those so you'll be up to speed on that. And that's just a prep for the future.

MR. REAKOFF: Mr. Chairman.

CHAIRMAN MORGAN: Jack.

9 MR. REAKOFF: I would like to see in the charter for 10 the Regional Councils in general that this Title VIII 11 regulations be in the meting packets as part of the packet. 12 That's what I would feel that should be included in these 13 charters is that, it's just a few pages but it's the Title VIII 14 and it's the law of what we're actually -- the heart of what 15 we're dealing with. And I would like to have that in our 16 packets for every meeting so that we can refer to the language 17 of the law. That's just my suggestion.

MR. MATHEWS: Mr. Chairman, that doesn't need to be in 20 the charter. I'll note it here and we'll just put it in as our 21 standard practice. The charter is required, and Tom can 22 correct me, for Federal Advisory Committee Act. And it also 23 cites ANILCA in here.

MR. REAKOFF: Mr. Chairman.

CHAIRMAN MORGAN: Jack.

MR. REAKOFF: Mr. Chairman, I would like to see all of 30 the Councils -- I'm not sure if, you know, people have actually 31 read this document very closely. I would like to see that the 32 Councils have it in their packet so that they become familiar 33 with looking at it and looking at the different points of it. 34 There's -- you know, it's a real fairly short document but it's 35 of critical importance to the Council's work. And I'd prefer 36 to have the Federal Board look at that aspect of Councils being 37 informed and so forth.

MR. BOYD: Mr. Chairman, I'll just direct a question to 40 Vince, I'm not clear, but the orientation materials, the 41 reference materials that we're preparing for the Councils, does 42 that contain the.....

MR. MATHEWS: To my knowledge it does.

46 MR. BOYD: And it's going to become -- this will be 47 documents that will be provided to each Council member.....

MR. REAKOFF: Oh, I see.

MR. BOYD:with a lot more information than just 2 that. But there's some reference materials that we're trying 3 to package for all of the Councils that are sort of 4 foundational information so that people can be well informed.

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MR. MATHEWS: It's the grey booklet but I don't see it in Henry's piles of papers but I remember distributing it. But I think what Jack is saying that Title VIII would be in each 9 meeting booklet also. The grey thing, we'll talk about a 10 little bit later, that's very, very helpful, but I think you 11 would have to carry it to the meetings for you. Yes -- but 12 we'll talk about that later. But we understand that you want 13 Title VIII incorporated in the meeting booklets.

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MR. BOYD: That's fine.

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MR. MATHEWS: And that would not be difficult to do.

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CHAIRMAN MORGAN: Ray.

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MR. COLLINS: Mr. Chairman, I have a question. 22 one seat unfilled now with Gail's resignation, I wonder if 23 there's a way of speeding that process by being able to make an 24 appointment interim or something? Like we've had that area not 25 represented now, not making meetings. Now, this time it's 26 right when the members are being filled so I assume that by the 27 next meeting can we expect that that will be filled?

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MR. MATHEWS: Yes. Angela's seat is one that's up for 30 the normal rotation. We could have gone in and tried to get 31 someone placed in it, but by the time we would have done that 32 her -- that person might have just served this one meeting.

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MS. DEMIENTIEFF: You mean Gail?

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CHAIRMAN MORGAN: Gail.

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MR. MATHEWS: Gail, oh, sorry.

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CHAIRMAN MORGAN: Hello, goodbye.

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MR. MATHEWS: Gail's seat. I'm getting it down, too 43 much coffee this morning. But anyway, that's why we didn't go 44 forward with filling that seat because then we would have had 45 to turnaround and redo that seat.

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47 MR. COLLINS: So there is a process in this charter for 48 doing that in between or not?

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MR. MATHEWS: There's a process in the program to do

that if someone has to resign for whatever reasons or are removed, yes, we can fill a seat for the remaining parts of the time.

MR. COLLINS: Okay.

7 MR. MATHEWS: It's a long process though to go through. 8 Meaning the approval, we already do it.

MR. BOYD: Mr. Chair, all of you are appointed by the 11 Secretary of Interior and when we go through, annually, the 12 nominations process to get recommendations for the Board to 13 forward to the Secretary, we also try to define alternates that 14 would be available in case someone left the Council. And so 15 it's been the Board's policy, if you will or direction, to 16 provide those names to the Secretary immediately upon someone 17 stepping aside.

CHAIRMAN MORGAN: Good.

MR. BOYD: Or coming off the Council. Unfortunately, 22 to get Secretarial approval on these sorts of things because 23 he's got so much in front of him, it takes a long time to get 24 these approvals. And sometimes we have to use a little common 25 sense. If someone is coming to the end of their term and we've 26 got another process -- another nominations process fixing to 27 kickoff, we would generally not fill that seat, like in this 28 case, we would wait until the next nomination process to roll 29 around because we have our meetings twice a year and it just 30 may not be cost effective, if you will, or time effective to 31 try to do this. So in this case, that's what's happened.

CHAIRMAN MORGAN: Ron.

MR. SAM: Yeah. These seats are three years, right?

MR. MATHEWS: Yes.

MR. SAM: Okay. I can see sending in an alternates 40 name within the first year and a half or so and other than that 41 you can just forget it. And at our last meeting at McGrath, 42 through this Council, also clearly stated or maybe not so 43 unanimously, but we said that we didn't want to deal with any 44 alternates at anytime because of the cost and training and all 45 that, you know. I just wanted to point that out, wanted you to 46 know where we felt.

CHAIRMAN MORGAN: Ray.

MR. COLLINS: Yeah. The only thought I had in mind is

1 maybe when they approve and fill the seats since they have 2 those alternates, if there was some kind of an approval of 3 those alternates then when the vacancy occurred we could select 4 from that alternate until the next time came up. That way 5 somebody would be ready to move in right away. You see, in 6 lieu of what we propose here of having automatic alternates for 7 everybody. I don't know if that's possible or if that 8 complicates it?

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MR. BOYD: I think it complicates it. I think what we 11 put in front of the Secretary are the primary members of the 12 Council. I don't think FACA deals with sort of the next in 13 line type people, and that's what we're talking about.

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MR. COLLINS: Yeah.

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17 MR. BOYD: And we sometimes get -- just as on the side, 18 we sometimes, we use the same term, alternate, to mean two 19 different things. And in this case, I'm only talking about 20 someone who would be waiting in line to be recommended to the 21 Secretary, I'm not talking about somebody to replace someone on 22 the active Council. So just to make that clear.

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MR. MATHEWS: So with the charter we would just need a 25 motion of approval and it will go forward.

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MR. COLLINS: I so move.

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MR. SAM: Second.

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CHAIRMAN MORGAN: There's a motion to approve the 32 charter and seconded. Anymore questions or discussion? 33 not, all in favor of approving the charter as presented signify 34 by saying aye.

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IN UNISON: Aye.

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CHAIRMAN MORGAN: All opposed same sign.

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(No opposing responses)

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CHAIRMAN MORGAN: Charter has been approved.

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MR. MATHEWS: The next item is Item 12, and that's 45 under Tab T as in Tetlin, and that's dealing with fisheries 46 overview, and Rosa and I believe Tom will be discussing that.

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48 MS. MEEHAN: I guess I'm starting. The fisheries issue 49 has been in front of this Council for awhile. At the last 50 meeting we discussed it in terms of we provided the Council

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with a copy of the proposed regulations and we went through the proposed regulations as I recall, the Council had some comments on it which we've looked at and incorporated. And now we're at 4 the process where we've opened up the review of these 5 regulations beyond just within the program and within the 6 Councils to the broader public. And so what we're doing is bringing it back to you to give you another opportunity to look at it at the same time the public is looking at it.

In connection with the public process we also have been 11 holding public meetings around the state, there were 30 of them 12 scheduled and we've conducted about 20 of them. There have 13 been varying amounts of participation at the various meetings. 14 I guess if I was to characterize the participation it's been 15 very strong down in Southeast and somewhat mixed throughout the 16 rest of the state. Meetings within your region were held up in 17 Galena and Ida Hildebrand was at that meeting and if you're 18 interested, I'm sure she could speak to it. And I believe 19 there was a Fairbanks meeting held, but I'm not sure that we've 20 got a representative here that could speak to that one. Did 21 you attend Curt?

MR. WILSON: I attended.

25 MS. MEEHAN: We have somebody that could speak to that 26 one as well if you're interested.

The process, just to give you an overview of where it 29 goes from here. Of course, we're waiting to see what happens 30 with the State legislature and it very much depends on actions 31 of the legislature as to the future of the subsistence program. 32 If the legislature does not act to put a constitutional 33 amendment on the ballot and if our congressional delegation 34 does not put another moratorium in the budget, then our program 35 is prepared to expand our responsibilities into fisheries on 36 navigable waters starting December 1st. What that means is 37 that on or near December 1st, this Proposed Rule that you have 38 in front of you would be published in the Federal Register and 39 that would start the process of initiating that expanded 40 jurisdiction. What you could expect as Council members is that 41 starting next year, and that would be 1998 (sic), that the 42 process to review proposed changes to the regulations that you 43 have in front of you could begin. And so we wouldn't make any 44 changes next year but we'd start the process to look at 45 changes.

47 This whole process is very similar to how this program 48 started initially, in that, we took regulations from the State, 49 which is basically what you have in front of you, put it out in 50 a Proposed Rule and then established a process to start

reviewing proposed changes. So there's an awful lot of uncertainty in where this process is going and it's very much driven by forces outside of our office. But you know, I just want to be clear on what, you know, some of the potential outcomes are and the ones that are most directly relevant to you all and to us. So that's sort of the overall process.

8 To look specifically to the rule -- are there any 9 questions on process right now or where we're at with this?

UNIDENTIFIED VOICE: Other than usual.

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MS. MEEHAN: Just to remind you of the key provisions, 14 and this is stuff that's listed in your book, it's underneath 15 Tab T. There are some major changes in the proposed 16 regulations, these are changes from the previous regulations. 17 And basically they identify the waters that would be included 18 in the program and I don't see....

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23 24 UNIDENTIFIED VOICE: The map is there.

MS. MEEHAN: Okay, we've got a.....

MR. BOYD: State wide.

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MS. MEEHAN:state wide map that has the drainages 27 marked on it that would be included and I'm not sure if it's 28 included on that map over there but it's certainly on the state 29 wide map.

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The authority of the Board would include selected but 32 not conveyed lands into the definition of Federal public lands. 33 And one of the issues that has been a real -- of great concern 34 to a lot of people is called extraterritoriality, and this 35 refers to the ability of the Federal government to directly 36 effect actions by others on non-Federal land. And in other 37 words, to extend the Federal jurisdiction beyond the Federal 38 borders, okay, that's extraterritoriality. What the Proposed 39 Rule does is acknowledge that the Federal government does have 40 that authority and that the authority will stay with the 41 Secretary of Interior. And the specific place where this 42 becomes quite an issue has to do with -- in fisheries has to do 43 with concern about actions in other fisheries and how those 44 actions may or may not be affecting fisheries on Federal land.

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And so to just use a real simple case, if there is a 47 stream crossing land that had salmon in it and there was an 48 established subsistence fishery there, if somebody came on an 49 adjacent piece of State or private land and put a fish net 50 across it and blocked all the fish going up on to Federal land,

that would be a very clear case where the Federal government 2 could say, they're stopping the fish over there, therefore, you 3 can't put a net there and have it removed. Okay. A less clear 4 case, but I'm sure one that will receive a lot of attention has 5 to do with Area M fishery. There's an awful lot of concern 6 that the Area M fishery is taking too many of the chums that 7 are scheduled -- or would rather go up the Yukon River and 8 therefore that there should be additional controls placed on 9 the Area M fishery. The process if the Federal government 10 could do that would be through extraterritoriality. The thing 11 that's important to recognize in exercising that authority, the 12 government needs to have a very clear relationship or nexus is 13 the word that's used, there has to be really clear proof that 14 what's happening over there is directly effecting what's 15 happening on Federal land, you know, just black and white. 16 with that kind of proof presented to the Secretary, not to the 17 Federal Subsistence Board, but to the Secretary, then it is 18 within the Secretary's power to act upon it.

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And so I'm just bringing this up because it's an issue 21 we hear about a lot and that is the situation in which we hear 22 about it the most. But I want to be real clear that the 23 authority is not going to be with the Federal Board, that it 24 will stay with the Secretary and that it's something that will 25 have a very high level of evidence required to prove the case. 26 So that's an important aspect that's in it.

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Another important aspect that's within the rule is a recognition of customary and traditional -- or customary trade. and the intent of the language within the Proposed Rule is to recognize existing practices. At the same time, there's a care in the way the regulations are written to prohibit or to limit development of commercial enterprises that are based on commercial enterprises that are based on customary trade. In other words, we want to acknowledge the existing types of customary trade, but we don't want to provide an avenue, if you will, to setup commercial enterprises. That we want to leave that, any development of commercial stuff under the existing authorities.

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And then the final part of the regulations includes 42 there is within subpart C and D, there's a listing of the 43 customary and traditional determinations, those are taken 44 largely from the State, with modifications that have been 45 recommended through this program. Some of that has been 46 included, as well as the Subpart D, which is the fish 47 equivalent of seasons and bags.

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So that's basically what's within the rule. And if there's any questions about what's in the rule or if you'd like

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00155
   to stop and look at the rule and make any comments on it we
  could do that. I'll leave it up to you.
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           MR. REAKOFF: Mr. Chairman.
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           CHAIRMAN MORGAN:
                             Jack.
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           MR. REAKOFF: I read the rule and I have two points of
  comment that I would like to make on the subpart B, point 13,
10 third paragraph or whatever they are.
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                        Do you have the page number, Jack?
           MR. COLLINS:
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           MR. REAKOFF:
                         It's on Page 66226, 66226.
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           MR. COLLINS: 26, okay.
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           UNIDENTIFIED VOICE: It's a big rule.
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           MR. REAKOFF: In this paragraph it says nothing in
21 these regulations -- in the regulations, in this part shall in
22 larger diminish the authority of any agency to promulgate
23 regulations necessary for proper management of public lands
24 under their jurisdiction in accordance with ANILCA or other
25 existing laws. Is it my understanding that if an agency
26 developed a regulation, they could implement it without the
27 Secretary's approval or the Federal Board's approval?
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           MR. BOYD: Well, they work for the Secretary, so I
30 think generally the answer is no. I think the idea behind that
31 provision, it's been a long time since I dealt with it, so let
32 me think a minute here, that regulation is currently in place
33 in the Federal subsistence regulations. What we have done with
34 the fishery regulations is taken the existing, particularly
35 subpart A and B and added to it provisions that would then
36 expand our role in fisheries -- our jurisdiction in fisheries
37 consistent with the Ninth Circuit court's decision in the Katie
38 John case. So what you're reading from is currently in the
39 regulations. And essentially, I think what we were trying to
40 say there is that there are other regulations by individual
41 agencies that implement provisions of ANILCA or other Federal
42 law.
        And all we were saying is those are still in play.
43 Theoretically they shouldn't conflict with subsistence
44 provisions in the regulations. I'm not sure I'm giving a clear
45 answer here. I think it's just acknowledging, particularly
46 Park Service regulations.....
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           MR. REAKOFF:
                         Yeah.
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MR. BOYD:they have their own standing

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subsistence rules that are still in play and we wanted to acknowledge that.

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MR. REAKOFF: Well, it's my stand on this issue that any further regulations should be submitted through the proper 6 subsistence management program channels in the future. answers my question on that one.

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The other one is in the next section down and this is 10 under D, let's see, yeah under D, petition for repeal of 11 subsistence rules and regulations. The State of Alaska may 12 petition the Secretary's for repeal of the subsistence rules 13 and regulations in this part when the State has enacted and 14 implemented a subsistence management and use laws which are 15 consistent with ANILCA. And I have kind of a real uneasy 16 feeling about a complete repeal of all the Federal program's 17 provisions that have been all the time consuming work we've put 18 into providing for subsistence in this blanket repeal. And 19 then without a transitional period between the Federal and the 20 State Board on -- I feel that if the State comes into 21 compliance, my personal feeling, if the State comes into 22 compliance, that they should adopt as the Federal government 23 did, adopted the State's regulations -- the State should adopt 24 the Federal regulations and then in a joint Federal/State Board 25 scenario start deciding which regulations are going to be 26 repealed, if any. I don't feel that we should just throw the 27 baby out with the bath water when the State gets management. 28 And I would like -- if this is going to be republished, I would 29 like to see this part -- can this be rethought if you republish 30 this?

31 32

MR. BOYD: I'm not sure how to answer your question. 33 think we can certainly take your concern and your comment and 34 pass that along. I'm not sure that once the State passes laws 35 that apply or comply with Title VIII of ANILCA that we can 36 then, as a Federal government dictate that they takeover the 37 existing regulations that have been passed over the last seven 38 or eight years. That's not to say we can't encourage them to 39 do so. But I'm not sure that the right people are in the room 40 to answer that question. But I've heard your -- Jack, I've 41 heard your concern before expressed in other circles and it's a 42 valid concern.

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MR. REAKOFF: Well, under this section, it's petition 45 for repeal.

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MR. BOYD: Right.

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49 MR. REAKOFF: And there should be conditions for the 50 petition, you know, it shouldn't be a blanket petition to

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repeal all the Federal subsistence regulations. And I feel 2 that the petition should be conditional, with certain 3 conditions that the State would meet to, indeed, you know, 4 because they're saying that they're going to have a rural 5 preference, all of the -- all of the regulations, to the best 6 of my knowledge in the Federal program have been well thought 7 out by the Councils and have a real valid subsistence through 8 all of our intricate knowledges that we supposedly have had all 9 this input into it, I feel that the State should be compelled 10 as a condition of their petition to adopt the Federal 11 regulations and then work in a transitional period with the 12 Federal Board to get their program rolling on the subsistence 13 -- their subsistence program rolling. That's just the way I --14 I have a real fear of the State just -- see I was in a 15 discriminated area where, you know, there's areas where the 16 State doesn't care, do whatever you want, run the caribou down, 17 they don't care. There's places where they want a high prior 18 -- they call them high priority hunt areas, that's where they 19 want to send sport hunters and they'll cut subsistence right 20 down to nothing and they'll -- they have a very bad record. 21 And if they want to argue with me about it, I can argue all day 22 long. I have a real fear of it going back to the way they were 23 dealing with subsistence before the 1989 ruling. And I wanted 24 to bring this out to the Council for this as a caution. 25

> CHAIRMAN MORGAN: Ray.

MR. COLLINS: On Page, I'll use just 38, it's 66238. 29 At the top of that page they list allowable gear type and so on 30 for subsistence, then under 10 in the first column down 31 there....

MS. MEEHAN: Um-hum.

MR. COLLINS:it says no person may take 36 subsistence within 300 feet of any dam, weir, ladder and so on 37 unless otherwise indicated. Okay, there's a tradi -- probably 38 one of the oldest traditional fisheries in our area is on the 39 Shageluk River where the construct a fence of willow and alder 40 and insert it when the ice is about a foot thick. They cut a 41 trench across it and put that down so that the fish mill around 42 above and they used to dip where now they set nets above....

MS. MEEHAN: Um-hum.

46 MR. COLLINS:to catch those fish. I don't see in 47 the gear up here any allowance at the top for that kind of 48 fishery. So you'd be -- we'd be stopping one of the oldest 49 traditional fisheries as I read this; is that right? 50

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MS. MEEHAN: Yes.

MR. COLLINS: Because it's a weir.

MS. MEEHAN: Yes. Since these are the regulations taken straight from the State, you're correct.

MR. COLLINS: Right, I know.

MS. MEEHAN: That's the type of thing we could consider 11 as a change to the regulations. Now, if you could help me 12 write up how it should be changed. It's also the type of 13 change that could be considered if we get into this and then in 14 the annual cycle we would be looking at the Subpart C and D, 15 the same way we do for terrestrial animals.

MR. COLLINS: Because I saw up in our area there was a 18 traditional weir and trap on the Salmon River, that's the way 19 they caught their king salmon up until the '60s and then the 20 State stopped it. They used to put a weir across and put up a 21 trap there and they stopped it basically under this.

MS. MEEHAN: Um-hum.

MR. COLLINS: And they stopped it basically under this. 26 Now, they've been overlooking the one on the Innoko over there, 27 they've been allowed to do it still. But I think provisions 28 should be made for that, it's probably -- as I said, one of the 29 oldest traditional fishing methods that still exists in the 30 State. So there needs to be some way, like a traditional weir 31 or something like that needs to be allowed under that.

MS. MEEHAN: The place that would make the most sense 34 to target that within the regulations would be under the 35 specific -- the regulations that speak to those specific 36 fisheries or those specific areas. And the reason is that the 37 State has a high concern about, in general the use of 38 weirs....

MR. COLLINS: Right.

MS. MEEHAN:because they can be overly effective, 43 if you will.

> Right. MR. COLLINS:

MS. MEEHAN: And therefore that's why they don't show 48 up as a general provision for use of a weir. And so it may be 49 better delineated in a regional context.

00159 MR. COLLINS: Okay. That's why I used the term 2 traditional weir or something like that. 3 4 MS. MEEHAN: Yes. 5 MR. COLLINS: The fact it's not something new. 7 8 CHAIRMAN MORGAN: Vince. 9 10 MR. COLLINS: One other question though. 11 12 CHAIRMAN MORGAN: Go ahead. 13 14 MR. COLLINS: On the use of hook and line, because I 15 think under the State they said that a method for catching king 16 salmon on hook and line was considered sport fishery. Now, 17 would they be able to do that as subsistence fishing under 18 this? 19 20 MS. MEEHAN: Yes. And that is a big difference between 21 State and Federal regulations. 22 23 MR. COLLINS: Okay. Because they had stopped making 24 the weir and then they went to the hook and line and then the 25 State had now made that sport fishing so they're supposed to 26 conform to the sport fishing season and bag limits. 27 28 MS. MEEHAN: Right. That is -- again, that's a major 29 difference between the Federal and State regulations --30 proposed Federal regulations. 31 32 CHAIRMAN MORGAN: Vince. 33 34 MR. MATHEWS: Mr. Chairman, just for record keeping, I 35 know that these are comments that are being brought up by 36 individuals, does the Council agree with the comments as 37 they're comments? 38 39 UNIDENTIFIED VOICE: Yes. 40 41 MR. MATHEWS: Or are they individuals? 42 43 MR. REAKOFF: Yeah. 44 45 MR. MATHEWS: I mean because it's -- you know, it would 46 be -- the easier for me would be is if you'd pass a motion 47 supporting these or take them as a whole and say, all the 48 comments to this point are the Regional Council comments. 49 Because we're going to be track -- I'm going to be tracking

50 those separately than public comments.

00160 CHAIRMAN MORGAN: Take them as a whole as an ongoing unit? 3 MR. REAKOFF: Yeah. Let's just keep identifying them 5 and then package them up. 6 7 CHAIRMAN MORGAN: Okav. 8 9 MR. REAKOFF: Mr. Chairman. 10 11 CHAIRMAN MORGAN: Jack. 12 13 MR. REAKOFF: You know on the Koyukuk River they set 14 those lush traps with a weir and they do that in the Kobuk and 15 the black -- you know, the black fish..... 16 17 CHAIRMAN MORGAN: In the Kuskokwim area, too. 18 19 MR. REAKOFF: So you know, there's -- so you know it 20 might not be appropriate to change it now. Is it -- can this 21 be changed, this wording right now? 22 23 MS. MEEHAN: We could look at it right now, but the 24 preference and this is a bureaucratic preference is to take the 25 rule, basically as it is, unless there's some really dramatic 26 changes and go ahead and get it published and then look to the 27 process that we've been going through this meeting, but in 28 context of fish, to make these kinds of changes. Because there 29 are several of them that are very important on a very local to 30 -- in a very local area. And it would be easier to deal with 31 them in the context of a regular proposal cycle. And it's not 32 to put it off, it's just, you know, necessarily, it's just that 33 would be an easier time to do it and we would have the 34 opportunity for the whole Council to hear the information and 35 have an understanding of the issue and work it through the 36 process. 37 38 CHAIRMAN MORGAN: Go ahead. 39 40 MR. REAKOFF: If the State is out of compliance by 41 December 1st, would we have a proposal cycle meeting and 42 implementation before the next fishing season? 43 44 MS. MEEHAN: No. It would straddle the next fishing 45 season.

MS. MEEHAN: Because it, just roughly there'd be a

50 meeting to -- in the early spring, late winter/early spring to

MR. REAKOFF: Um-hum.

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accept proposals and then the proposal analysis would occur 2 over the summer. And then there would be a fall meeting to 3 review the analysis and make the recommendations. And so just 4 as a reminder, we've talked about this in the past, but the fish cycle would be just about opposite of the game cycle and it's to accommodate fisheries. So it does mean that there would be one year of the fishery that it -- that these traditional fisheries would be out of compliance, if you will.

MR. BOYD: Let me just add to that. It may be possible 11 to accommodate some of these changes, but I'm reluctant to say 12 that we would, in fact, do that because I don't know what all 13 of the comments we're going to receive are. Some of them may 14 need to be evaluated on their merits. Because certainly we 15 have conservation as a concern and we would want to present 16 back to the Council our technical concerns, if you will. But 17 some of them, you know, we may have a pretty good handle on 18 them and we may be able to accommodate, I can't judge that 19 right now. So seriously we want your comments, but we want to 20 be honest at the same time, that our capability to handle them. 21 We don't have a fisheries staff. I don't have a budget. 22 won't have that until we have a program in place. And so 23 getting all of this geared up is just going to take some time.

MR. REAKOFF: Yeah.

26 27 MR. BOYD: And I would be less than honest with you to 28 say that we could handle it immediately and be very responsive 29 because -- and I don't want to do that. So what we're trying 30 to do is build a program similar to what we did back in 1990. 31 Clearly understanding that there are still concerns out there 32 like the one that Mr. Collins has expressed and identify those. 33 And if we can accommodate them now we will do our best, but if 34 we can't then we will defer it to a cycle of decision of the 35 regulatory process that we normally go through for these 36 terrestrial wildlife issues.

MR. REAKOFF: Mr. Chairman.

CHAIRMAN MORGAN: Jack.

MR. REAKOFF: If these are State regulations they're 43 not enforcing them. So I don't really think that it's quite 44 such a big problem, you know, right now. So it might be too 45 hard to fix and highlight it and cause a problem, so.

MS. MEEHAN: Are there any other questions about the 48 regulations?

CHAIRMAN MORGAN:

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MR. DEACON: Yes, a question. I'm from Shageluk area, 2 so that's -- I don't know if the village really knows about 3 this law, I'm pretty sure they don't. And they've been 4 fighting this -- the State's been telling them that you can't 5 do that for many, many years and they still do it because that's the way they do. So when Federal takeover, there's got to be some provision there for them.

MS. MEEHAN: Okay.

11 MR. DEACON: To notify them that these are changed and 12 what's their opinion on it.

> MS. MEEHAN: Okay.

CHAIRMAN MORGAN: Vince.

MR. MATHEWS: Carl, I went through the files on all the 19 times that you discussed fisheries and made a list, this 20 doesn't mean you have to address them now or not, but this is 21 just to update you on what you've talked in the past. In Holy 22 Cross you talked quite a bit about customary trade and the 23 middle man transactions. I don't know if you want to mention 24 that now or not. You've brought up, over time, the need that 25 there be local responsive management, rapid response, so that 26 couples into a couple of other things you've talked about here. 27 Over time, greater linkage between tribal. Greater linkage 28 between advisory committees. A and B addresses advisory 29 committees in there, but not -- subpart A and B, so I don't 30 know if you want to do anything on that.

One that I wasn't clear about but I just pulled from 33 the notes is transporting fish to another site legal. Maybe 34 that rings a bell with somebody, but you did mention that at 35 the one meeting. And then I think it was this meeting, you 36 wanted a further refined definition of wanton and waste. Now, 37 please realize that Rosa said this and Tom said this, that most 38 likely the changes that, if you did any actions of these, may 39 not happen this round, but this would position yourself and 40 also you would have a frame work setup so if we did get into 41 fisheries you could start acting on them. But that's just up 42 to you, but those are the ones from notes in your file on 43 fisheries that I could find.

45 MS. MEEHAN: And I'd like to highlight one of those 46 that Vince brought up and this is something that at Eastern 47 Interior we had quite a bit of discussion about. It has to do 48 with the customary trade. And it's on 66238 and there's a line 49 by it that says, newer modified text. And the part that I'm 50 looking at is up on the sort of towards the top of the middle

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column, that page is 238 and it's number 12. And this is the 2 part that I mentioned that customary trade is -- the intent of 3 the regulations is to recognize existing practices. 4 limit extending traditional practices into commercial 5 enterprises. And so the language that does that is under 12. 6 And basically it says, subsistence taken fish, their parts or 7 eggs may not be purchased for use in a significant commercial 8 enterprise. And it goes on to say, and this is where Eastern 9 Interior had a hang-up, was persons licensed by the State of 10 Alaska to engage in a fisheries business may not receive for 11 resale or barter or solicit to barter for subsistence taken 12 fish, their parts or their eggs. Now, what was pointed out by 13 Gerald Nicholia on the Eastern Interior Council is that if you 14 read this strictly, it implies that somebody who holds a State 15 of Alaska license is unable to participate in barter which 16 would, you know, could characterize as just regular exchange 17 between neighbors or friends. And so he was particularly 18 concerned about the wording. And that was a concern that was 19 shared by the Council, and so I wanted to highlight that to you 20 and get a sense of, you know, if you had some commentary on it 21 because this -- this part is, from our perspective, it's a 22 really important part. This business about expanding into 23 commercial enterprises could lead to some real resource 24 problems and we really want to watch that. At the same time we 25 want to make sure that we can accommodate traditional 26 practices. And I understand that along the Yukon there are 27 many people who are both in commercial fishing and in 28 subsistence, quite legitimately, and so we have to be really 29 careful about this crossover. So I'm looking to you for any 30 commentary on this particular provision. 31

MR. COLLINS: Mr. Chairman, I do have comment on that. 33 Because that gets into what I talked about before, Vince 34 highlighted on traditional trade. Is I understand that on the 35 Yukon now, or what has been the practice is there are only a 36 limited number of people that are putting up fish strips. And 37 some of now have a commercial permit but instead of selling the 38 king salmon, they're cutting them into strips putting them in 39 the freezer and then those are more or less sold under the 40 traditional trade. Because not everybody has access to those. 41 So you know, when I go over to there, I buy fish strips and 42 bring them back to an elder, let's say, in Nikolai that wants 43 fish strips and can't get them from them. And they do have the 44 commercial license but they're not doing it in a -- as a 45 commercial enterprise because then you get into all the 46 inspection and everything else.

48 I see there's going to be some problems here and there 49 because of that changing practice. Everybody used to go out 50 and put up their own but they don't all go to fish camps

anymore. So they're relying on the ones who are putting on strips to get their traditional fish. And then that cache comes in, helps them, you know, in making a living. So I think we have to look at that whole area very carefully to allow that. That's what's become the traditional trade and that's the way people get the fish that they need or want for subsistence purposes. Others from the area on it, too.

9 MS. MEEHAN: The part that -- the wording that we 10 looked for to try and help this was use of the word, resale. 11 And with the idea that if somebody had put up strips or 12 whatever and then sold them on to an end user, in other words, 13 somebody who's going to eat themselves....

MR. COLLINS: Right.

MS. MEEHAN:that that's accommodated. That's 18 what we specifically want to make sure can happen. But what we 19 did not want to have happen, was to setup a situation where 20 somebody could come in and buy stuff and then turnaround and 21 market it to someone else. So it's -- that's the concept that 22 we tried to embody and just want to make sure that this works.

MR. COLLINS: Well, that's the exact situation I 25 described, except that persons licensed by the State of Alaska 26 to engage in fisheries business may not....

MS. MEEHAN: Um-hum. And that's.....

30 MR. COLLINS:because they have a commercial 31 license.....

MS. MEEHAN: Yes.

35 MR. COLLINS:that they may be selling part of 36 those commercial or maybe selling the roe and then strips out 37 of the other that they're using in the barter, you know.

MS. MEEHAN: Well, that's -- I want to be clear on 40 this. If you've got a subsistence caught fish. And you take 41 the roe out of it, it's got to be treated the same as the 42 subsistence -- as you would treat the strips. I mean 43 everything has to be treated -- it is a subsistence caught 44 fish, it could be under the way this rule is sold to an end 45 user.

47 MR. COLLINS: No, I wasn't -- I'm sorry, I may have 48 misstated, not -- they've got a commercial license, they can 49 commercially sell the roe.

00165 1 MS. MEEHAN: Okay. 2 3 MR. COLLINS: But if it's a king they may be cutting -I don't know if they're selling that king roe. But then they 5 may be turning the king into strips that goes into the barter 6 system in a sense. 7 8 MS. MEEHAN: Um-hum. 9 10 MR. COLLINS: See what I mean? 11 12 MS. MEEHAN: Um-hum. 13 14 MR. COLLINS: So that they have a legal license to sell 15 the eggs but, you know, that situation would not be covered --16 they're fine. If they've got a commercial license and they're 17 catching the fish under a regular commercial opening, then it's 18 outside of these regulations and there's not a problem with it. 19 20 MR. COLLINS: But what about the strips that go into 21 the traditional barter trade then? 22 23 MS. MEEHAN: It doesn't matter. 24 25 MR. COLLINS: Doesn't matter, okay. 26 27 MS. MEEHAN: Okay. 28 29 MR. BOYD: I don't think it would anyway. 30 MS. MEEHAN: It shouldn't. 31 32 33 MR. BOYD: I think Rosa's correct. But I don't have a 34 clear enough understanding with what's really going on, 35 Mr. Collins. And I think it's something that -- I would 36 entertain your comments so that we could have it researched, I 37 guess, and take a harder look at that. 38 39 CHAIRMAN MORGAN: Henry. 40 41 MR. DEACON: My question is about smokehouses, how we 42 process those smokehouses. I know the State is against the way 43 we handle our subsistence dry fish. They want to outlaw those 44 smokehouses, all that kind of stuff. And the question that you 45 brought up, you want more information, it's better you don't 46 know about some of this. 47 MR. BOYD: That's up to you, Mr. Deacon. We do want 48 49 help crafting our regulations though. And we want to make sure 50 that legitimate subsistence practices as conceived in the law

are -- are considered and taken care of in our regulations. So obviously we're looking to you as the experts in the region to help us understand what we've crafted already is going to be a problem or is going to accommodate subsistence uses in your region.

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CHAIRMAN MORGAN: We get a lot of people in the Kuskokwim that are dual. You know in the first part of the year they put all their kings away and about — but after they 10 get done, that's all their subsistence needs are filled, they 11 do have a license and a lot of them do have a license, limited 12 entry license. And they do fish, but you know, they do put 13 away quite a few kings and the strips and usually kings in the 14 Kuskokwim is designated as a subsistence fish. And you know 15 whenever the commercial fishermen catches incidental catch, 16 it's in — according to the State of Alaska it's incidental. 17 The kinds are primarily subsistence fish. Is there any — so 18 these people wouldn't be able to barter because....

19 20

MS. MEEHAN: That's why I flagged it to your attention 21 because the specific phrase in this section says, may not 22 receive for resale or barter or solicit to barter and so that 23 can be interpreted that somebody who holds a commercial 24 license, you know, that that's what they do in some other part 25 of their life or for a very short time, you could read this and 26 interpret it to mean that even when they're dealing with 27 subsistence caught fish that they could not barter. And that's 28 -- I'm just sharing with you that this is a concern that was 29 flagged and the suggestion that came out of the Eastern 30 Interior group was to just take out that phrase in there, or 31 barter or solicit to barter. And so my direct question to you 32 is if you look at that, would taking out that phrase then cover 33 all the situations you can think of that have happen in your 34 region? And it's a really critical one because we're trying 35 really hard to get this right so we can acknowledge the 36 traditional practices.

37 38

38 CHAIRMAN MORGAN: Because most of the Native people 39 that do catch these fish, these kings, they use it to 40 supplement their income.....

41 42

MR. COLLINS: Right.

43 44

MS. MEEHAN: Yes.

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46 CHAIRMAN MORGAN:it's kind of a barter. And 47 because they're not -- basically these people that are -- you 48 know, I feel for them basic -- the people are just out there to 49 make a living and a lot of them don't have a job. And they 50 need the commercial fishing as an extra income and the

bartering system is additional because -- and these are people, it's not lawyers and doctors, that don't got a lot of money.

MR. REAKOFF: Mr. Chairman.

CHAIRMAN MORGAN: Jack.

MR. REAKOFF: I think that it would be appropriate to strike -- to leave the; may not receive for resale and strike for barter -- for barter, subsistence taken. I think that that would be appropriate and cover what the intent of this regulation is really about is to receive vast amounts of fish although subsistence taken fish and then selling them -- shipping them off to Japan or some place. It would exclude the bartering system from that then. I think that covers the problem.

CHAIRMAN MORGAN: Ron.

MR. SAM: I was just going to comment that I'm pretty 21 sure Rosa was right as far as using and selling the strips. 22 Because I think this came about quite a few years ago that 23 wanton and waste part where they would just take the roe and 24 dump the whole salmon back in the river, the dead and striped 25 salmon. And I think that this more or less just covers the 26 wanton and waste part that everyone was so concerned about at 27 that time. I think it was five, six, seven years ago.

MS. MEEHAN: I'll just share with you that I did see 30 people selling those strips down on Fourth Avenue during Fur 31 Rondy. So it's around.

MR. SAM: You see a lot here too.

MS. MEEHAN: Yeah.

MR. SAM: And they are supplementing.

MS. MEEHAN: Um-hum.

MR. COLLINS: Yeah, and I think one of the key points 42 is that some of the older, very traditional people now are 43 depending on those people that are putting up strips because 44 they're not able to do that anymore so that's the way they get 45 their subsistence strips in a sense.

MS. MEEHAN: Right.

MR. COLLINS: Is from those people who are engaged in 50 that.

MS. MEEHAN: Yes. And one of the other issues that we 2 discussed quite a bit last fall on this Council was the notion 3 of -- and I think, Ray, you're the one that brought this up, 4 that when you traveled to somewhere you would get strips for 5 someone and take it back to them. And as long as you're not 6 adding a surcharge for your carrying of fish, that that's 7 covered the way this is written.

MR. COLLINS: Yeah.

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MS. MEEHAN: And the wording that takes care of it is 12 the for resale. If you're just acting as a -- as the nice guy, 13 middle person, then that's fine. So if there's any other 14 questions or concerns about this, the public review process of 15 this is open 'til April 20th and we can take written comments 16 up until that time. We've got forms that have a postage paid 17 sheet where people could fill out comments and mail them in 18 that we could certainly provide you copies if you wanted to 19 take them back to share with others. But I just want to 20 emphasize that the ability to comment on it remains open and 21 then just to remind you of the -- you know, the rest of the 22 process is that we're in a holding pattern until the State does 23 whatever they're going to do. And then come December 1st, 24 we'll know whether we're going to get into the fish business or 25 not.

26 27

CHAIRMAN MORGAN: Ron.

28 29

MR. SAM: Yeah. If you go back to number 12, it says, 30 subsistence taken fish, their parts or their eggs may not be 31 purchased for use in a significant commercial enterprise. 32 think that gives us the right to sell or barter strips, even 33 from subsistence users, you know. Because there's -- I don't 34 see anyone making any significant amount of money off of 35 strips.

36 37

MS. MEEHAN: Yeah.

38 39

CHAIRMAN MORGAN: Um-hum.

40 41

MR. SAM: So I think we're all covered there.

42 43

MS. MEEHAN: Good.

44 45

CHAIRMAN MORGAN: Well, you go down to the next 46 paragraph, 13, persons licensed by the State....

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MR. SAM: I'm not worried about the commercial guys. 49 I'm just worried about wanton and waste.

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MR. BOYD: No problem. No problem.

MR. DERENDOFF: Mr. Chairman.

CHAIRMAN MORGAN: William.

MR. DERENDOFF: Rosa, what you were saying about this public comments, that you would have some kind of forms that 9 people could fill out and send to who?

MS. MEEHAN: They would come into our office and we 12 would look at them. As part of the process, we will reviewing 13 all public comments and then when the final rule is published, 14 part of that rule will have a summary of all the comments that 15 have been received and how we've responded to them. So it's 16 part of the formal process. It is an opportunity for anybody 17 to comment on it. And so we do have forms that if you know of 18 others that are interested or if you would like to pass them 19 out, we can certainly provide those to you.

MR. DERENDOFF: I think that the comment period would 22 be a reliable thing, just speaking broadly about all these 23 Proposed Rules.

MS. MEEHAN: Um-hum.

MR. DERENDOFF: Because -- oh, another question I have 28 was before December of this year, would public comments make 29 any effect on these proposed rules?

MS. MEEHAN: They certainly could. And that's -- I 32 mean that's the whole point of having the public comments.

MR. DERENDOFF: Okay.

MS. MEEHAN: And like I said, they will be reviewed and 37 when the Proposed Rule is published, there will be a summary 38 section in the front of it that will cover -- these are the 39 comments we received from the public and explain how the 40 Proposed Rule addressed those comments.

So the public comment period is very important to us. 43 That's why we've held public meetings all over the state. So 44 we definitely are seeking that.

MR. DERENDOFF: Thank you.

MS. MEEHAN: I'd be happy to entertain any other 49 questions.

1 MS. DEMIENTIEFF: Rosa, in this section it says, the 2 Board may recognize regional differences in defining customary 3 trade differently for separate regions of the state.

4 5

MS. MEEHAN: Yes.

6 7

MS. DEMIENTIEFF: Okay. Does that mean like in our area that -- we have the best fish of the whole Yukon, there is no if, and or doubt in anybody's mind and we will trade with people on the Kuskokwim for things, not necessarily money or we'll trade for dry meat with somebody.

12 13

MS. MEEHAN: Um-hum.

14

MS. DEMIENTIEFF: So these kind of comments you want to 16 see in your.....

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MS. MEEHAN: Yes.

19 20

MS. DEMIENTIEFF:comment period?

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MS. MEEHAN: Any comments are helpful. But the type of 23 trade that you just described is covered within this. That 24 particularly when you're trading for items, that's barter, and 25 that's fine.

26 27

MS. DEMIENTIEFF: Um-hum.

28 29

MS. MEEHAN: But the comments are appreciated. The regional differences is a concept that came up, somewhat in connection with trying to identify what a significant commercial enterprise was. And so what that language does is essentially it gives us latitude that if we get into a position of having to try and identify, you know, well, at what point does it become significant, then we can look to the Regional Councils for guidance and setup some type of a system that works for your area. It's not something that we necessarily want to get into doing, but it's just a way of putting the latitude in the regulations so that if we need to get into it we can.

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MS. DEMIENTIEFF: One of our teachers at home is 43 getting all her students prepared for written comments right 44 now.

45 46

MS. MEEHAN: Oh, fun.

47

MS. DEMIENTIEFF: So you may be receiving some from the 49 junior high and high school in our village.

00171 CHAIRMAN MORGAN: Good. 1 2 3 MS. MEEHAN: Good. 4 5 MS. DEMIENTIEFF: They're sorry not to have been at the hearing in Holy Cross but there were Native dances going on 7 that evening and that had top priority over going down to 8 testify at the hall. And so there was kind of low 9 participation in Holy Cross that night. 10 11 The dance sounds like more fun to me. MS. MEEHAN: 12 13 MS. DEMIENTIEFF: It was. 14 15 CHAIRMAN MORGAN: Henry. 16 17 MR. DEACON: I have a question -- I don't know if my 18 question was answered about smokehouse, you know. I don't know 19 if you know smokehouse, but I know the State is against that. 20 And since you're going by the State regulations, you will put 21 that in there, but I'd like to see that always be there because 22 that's the way we process our food. And that's -- I don't know 23 how to describe it. 24 25 MS. MEEHAN: Um-hum. 26 27 MR. DEACON: That's really something that should never 28 be taken away from us, the way we process fish for many years 29 and the State is trying to say it's unhealthy. 30 31 MS. MEEHAN: Henry, I appreciate the traditional ways 32 of processing food and respect it. And fortunately all these 33 regulations speak to is the taking or the harvesting and that's 34 where our regulations stop. 35 36 MR. DEACON: Oh, okay. 37 38 MS. MEEHAN: So we won't go there. 39 40 MR. BOYD: Whether they smoke them or refrigerate them, 41 that's okay. 42 43 MS. MEEHAN: It's their business. 44 45 MR. BOYD: Yes. 46 47 MS. MEEHAN: Yeah. 48 49 CHAIRMAN MORGAN: Vince.

00172 MR. MATHEWS: I think you exhausted all your comments. you were going to pull them altogether or something to that 3 effect and pass a motion unless there's more questions. 4 5 CHAIRMAN MORGAN: More questions? 7 MR. MATHEWS: Or comments. 8 9 CHAIRMAN MORGAN: Or comments. From the audience. 10 11 MR. SAM: Just one. 12 13 CHAIRMAN MORGAN: Ron. 14 15 MR. SAM: What kind of action are we looking for here? 16 17 MR. MATHEWS: Well, just that it would be clear that 18 the comments that were expressed were the Regional Council 19 comments so I can just track them as we -- if we move into 20 fisheries. So it's clear that they're not just Jack's or 21 Henry's or whatever, but they were the Council ones. If 22 they're not, then we need to know that also. 23 24 MR. REAKOFF: I make the motion to adopt all of the 25 comments that the Council identified for review by the Federal 26 program in the implementation of the subsistence of the 27 fisheries. 28 29 CHAIRMAN MORGAN: Is somebody writing all that down? 30 31 MR. BOYD: Yeah, this guy is here. 32 33 CHAIRMAN MORGAN: Is that right? 34 35 MR. BOYD: And Vince. 36 37 MR. SAM: Second. 38 39 And seconded by Ron. CHAIRMAN MORGAN: 40 41 MR. COLLINS: Question. 42 43 CHAIRMAN MORGAN: Question's been called for. Could 44 you read the motion for clarification. 45 46 MR. REAKOFF: Were you getting what I said there, 47 Vince? 48 49 MR. MATHEWS: Yes, I got that, yes. I got it.

00173 1 MS. MEEHAN: Vince, he wants you to read it. 2 3 MR. MATHEWS: Oh, you want me to read it? 5 CHAIRMAN MORGAN: Read the motion. 7 MR. MATHEWS: Okay. Jack moved that all comments provided in this discussion would be the Western Interior 9 Regional Advisory comments on the Proposed Rule. 10 11 CHAIRMAN MORGAN: And seconded by Ron. 12 13 MR. MATHEWS: Yeah. 14 15 CHAIRMAN MORGAN: Okay. Question's been called for. 16 All in favor of the motion signify by saying aye. 17 18 IN UNISON: Aye. 19 20 CHAIRMAN MORGAN: All opposed same sign. 21 22 (No opposing responses) 23 24 CHAIRMAN MORGAN: Thank you. 25 26 MS. MEEHAN: Thank you. 27 28 CHAIRMAN MORGAN: Item 13, Vince. 29 30 MR. MATHEWS: Yes. Item 13 will go pretty quick. 31 13 is Tab U. We'll start off with A, which is correspondence 32 sent and received. 33 34 The way we've done this is two ways. One, is I give 35 you a briefing of each one in there or we just take a few 36 minutes. You page through the letters that were received. 37 Well, actually the ones you receive I could brief and then you 38 would look at the ones that were sent out. The way we've done 39 it with this Regional Council is at this time all Council 40 members receive all correspondence. The Chair gets these 41 throughout when they come in. So this is a time for all of you 42 to look at it. So I can just let you look at them and if 43 there's questions answer them. There are two in there, in 44 particular, that you may want to focus on since we do have

45 management from the wildlife conservation here from Fish and 46 Game and you had discussed yesterday quite a bit the Koyukuk 47 River. There's two in here from -- one from the area biologist 48 concerning the Koyukuk River area in a newsletter. And then 49 there's another one where I communicated with the Staff there 50 about the status of the management planning process for the

00174 Koyukuk River. And since they are here you may want to take that opportunity or you may not. 3 You should have received that in the mail, also the 5 newsletter and survey and that. 6 7 (Pause) 8 9 MR. MATHEWS: What I'll do in the minutes is note that 10 what letters were provided to you so we have a track of that. 11 If there are any questions, try to answer, clarify where 12 they're going or whatever on that, it's up to you guys. 13 note some of you have highlighters out so I'm kind of getting 14 worried. 15 16 MR. COLLINS: I'm reading the moose report over there, 17 you didn't have the stats on it. 18 19 CHAIRMAN MORGAN: William. 20 21 MR. DERENDOFF: Mr. Chairman, on this one letter on 22 Page 1 it's to the Regional Council -- Board, there's one 23 little thing that's been puzzling me about this -- where it 24 says -- where the Federal management's going to manage all 25 waters within -- I don't understand within. And -- but 26 adjacent to the refuge, I know what adjacent is, but then you 27 know, water moves so that makes me..... 28 29 MR. MATHEWS: Yeah, I think I'll turn that over to Tom. 30 I think what you're addressing there is, is it the letter of 31 January 5th that I sent out to you? 32 33 MR. DERENDOFF: Yeah. 34 35 MR. MATHEWS: And you're talking about what is 36 considered adjacent waters? 37 38 MR. DERENDOFF: Yeah. 39 40 MR. MATHEWS: I know Tom and -- I know Rosa did a real 41 good job at the last meeting on adjacent waters, but we can 42 clarify what adjacent waters means. 43 44 MR. BOYD: I think Mr. Derendoff was more -- and help 45 me, was mostly concerned about what it meant? 46 47 MR. DERENDOFF: Yeah, what it meant. 48 49 MR. BOYD: Both adjacent and within?

MR. DERENDOFF: Well, I know what within is, but adjacent -- adjacent is right next to, I know that. But you see we're talking about waters, so water is going to be within and water would be adjacent and water would be out, so it makes it kind of.....

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7 MR. BOYD: It might be helpful to have a map to speak 8 to this and it's over on the wall, so let me just kind of go 9 off over here.

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11 $\,$ MR. MATHEWS: Do you want the overhead or do you 12 want....

13 14

MR. BOYD: No, I don't believe you have an overhead of 15 this. Well, let me go to this map, because I think that might 16 be the one to show it. What we're talking about is delineating 17 jurisdiction. The water has to be associated geographically 18 with the conservation system unit with the Federal lands or 19 conservation system units. In the case of the Yukon River, it 20 obviously comes through initially and we're talking about 21 inland waters, fresh waters, comes initially through the Yukon-22 Delta Refuge. So all of the Yukon River and it's associated 23 tributaries within the exterior boundary of that refuge would 24 be in Federal jurisdiction. So on this map we have tried to 25 demonstrate that by highlighting the river systems in red that 26 are within Federal jurisdiction.

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There are other refuge and I need -- help me with the 29 names, this is the Innoko Refuge where the river comes and 30 touches the boundary of the Refuge on one side at several 31 points along here and along in here. This is, of course, 32 a different scale map, it would probably show a little bit 33 different points where it touches. But generally along here 34 and here, so those portions of the Yukon River would be 35 included in Federal jurisdiction, even though only one side 36 touches the Refuge lands, plus all the tributaries within, 37 again, the exterior boundary of the Refuge. The same would 38 apply to the other refuge units along the river.

39 40

In -- which one is this, I can't remember the name of 41 this Refuge.

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UNIDENTIFIED VOICE: That would be Nowitna.

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MR. BOYD: Nowitna -- without the names -- I know the 46 names, I just don't know the places. But along -- the same 47 with the Innoko, along this one, the Yukon touches it on the 48 north side so that stretch of river would be within the Federal 49 jurisdiction that we're proposing. I'll stop there and just 50 see if that answers your questions.

MR. DERENDOFF: Yeah, it sure does. Because now you're saying most of these boundaries are really along the river or 3 at some kind of really good landmark, but along the river. 4 Okay, you have a Federal land on one side and that whole land is -- that whatever, that's Federal land -- that's -- we're 6 talking about on that side of the river, but suppose you have another Federal land or State land or something with a 8 different name on the other side since it's a boundary, and they're both adjacent to it.

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MR. BOYD: Let me see if I could -- well, it wouldn't 12 matter as long as one side of the river has Federal land 13 associated with it. We would be asserting jurisdiction in the 14 river throughout the -- I guess the distance from where the 15 river began to touch the land to where it ended. Does that 16 make sense?

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MR. DERENDOFF: Yeah.

19 20

MR. BOYD: I guess the point -- the legal point here is 21 we are asserting jurisdiction in waters where there is a 22 Federal reserved water right. And what that means is that 23 these reservations or these land withdrawals were made for 24 certain purposes, and therefore, we would claim the right to 25 the water to fulfill the purposes for which those lands were 26 established. That's sort of the legal theory behind this. 327 in this case, the wildlife refuges were established for many 28 purposes, including the protection of fish and wildlife. And 29 we would assert a claim to that -- to those waters as an 30 interest in fulfilling the purposes of that refuge. So all of 31 the river then associated with the refuge, at least on one 32 side, we would be asserting a claim to jurisdiction. And this 33 is an interpretation of the Ninth Circuit court's ruling in the 34 Katie John case.

35 36

So what we're proposing is jurisdiction anywhere 37 Federal land, and when I say, Federal land, the Federal 38 Conservation Units, the refuges, the parks, monuments and 39 preserves, these in purple and the National forests which none 40 are in your region. Essentially, water within those units 41 would be covered under our regulations. However, for most BLM 42 lands, that is not the case because these are not -- these were 43 not withdrawn for fulfilling certain purposes by Congress. 44 there are no Federal water rights within most of the BLM lands, 45 that's the gold lands, except for -- you see this large black 46 line here, that's the Unalakleet River and that's the portion 47 of that river that is a wild and scenic river, I don't think 48 there are any in your region. But that's one that comes close. 49 So we would be asserting jurisdiction over a portion of the 50 Unalakleet River because it was withdrawn as a wild and scenic

00177 river corridor. 3 MR. REAKOFF: My question is, assumption of 4 jurisdiction within that navigable waters, do you go to the 5 mean high water mark on the opposite bay from the Federal land? 6 7 MR. BOYD: I think so, Jack. 8 9 MR. REAKOFF: I mean like up to the high water mark in 10 the brush? 11 12 UNIDENTIFIED VOICE: Yeah. 13 14 MR. BOYD: Of course, you're not going to be catching 15 fish over there on dry land. 16 17 MR. REAKOFF: The only question I have with that is if 18 there's a Federal hunt, does that apply to an animal that's 19 standing on that bar on that -- below that mean high water mark 20 on the other bank? 21 22 MR. BOYD: You know, these are technical questions that 23 I don't have answers to. 24 25 MR. REAKOFF: Okay. 26 27 MR. BOYD: You know, if I were -- I'm not even going to 28 quess. 29 30 MR. REAKOFF: Okay. I would like to know, though. 31 32 CHAIRMAN MORGAN: Benedict. 33 34 MR. JONES: I have a question. On that Nowitna 35 boundary area, you said south side of the Yukon and north side 36 is the State.... 37 38 MR. BOYD: Right. 39 40 MR. JONES:land. Okay, what's -- who has 41 jurisdiction on the island divided the Nowitna River. 42 43 MR. BOYD: Well, we're talking about fisheries and 44 there are no fish on the island. 45 46 MR. JONES: I know but Federal game? For game? 47 48 MR. BOYD: I would presume at this point that the State 49 would continue unless it's Refuge land.

MR. JONES: I mean just let say if there's a moose there.

MR. BOYD: Yeah.

6 MR. JONES: And if you caught a moose on the island who 7 will have the jurisdiction?

UNIDENTIFIED VOICE: Would you care?

MR. BOYD: If it's not on the Refuge it would be State 12 jurisdiction. If the island were not part of the Refuge, it 13 would be State jurisdiction. And I think the same would apply 14 to land below mean high water on the, in this case, the north 15 side of the river. But I will research that a little further 16 and have a clear answer.

We're really talking about fish here in the water. And the legal connection is the reserved water right that would 20 establish the jurisdiction for the fisheries. But for game, 21 it's where the animal is and below mean high water would be 22 State domain.

UNIDENTIFIED VOICE: Yeah.

MR. BOYD: Unless it's within the Refuge. Well -- and 27 even within the Refuge, below mean high water would be State 28 domain. It's real -- see this is the problem with dual 29 management and mixed jurisdiction, it's really difficult to 30 define it for the average lay person as to where Federal 31 jurisdiction begins and Stage jurisdiction ends.

33 CHAIRMAN MORGAN: You know, we've got a permit system 34 at home and the high water mark is an issue but if you catch 35 something it better land in that high water mark. Because if 36 it goes out of sight of the high water mark you're in trespass. 37 That's a different -- if you shoot something, it better land 38 below the high water mark, you're okay. But if it goes past 39 that high water mark, then you're into our jurisdiction, and I 40 think we took that to court.

MR. REAKOFF: Mr. Chairman.

CHAIRMAN MORGAN: Jack.

MR. REAKOFF: There's several letters here in dialogue 47 with the Alaska Department of Fish and Game in regards to the 48 Koyukuk River, moose, co-management land. And when I went to 49 the Galena Koyukuk River Advisory Committee meeting, our plane 50 was late, we missed any presentation that Jim Woolington would

have given or if he gave something, I don't know, about that. David James is here, I would like to have an update since this is what a lot of this correspondence regards. If he has any infor -- current information about the State's aspect of moose 5 management on the Lower Koyukuk.

6 7

Don't worry, it's not hot. It's not the hot seat.

8

MR. JAMES: Good morning, Mr. Chairman.....

9 10 11

CHAIRMAN MORGAN: Good morning.

12 13

MR. JAMES:members of the Council. I'd be glad 14 to give you a brief update on the status of that effort.

15 16

REPORTER: Pardon me, sir, could you state your name 17 for the record.

18 19

MR. JAMES: My name is David James, I'm with the Alaska 20 Department of Fish and Game.

21 22

REPORTER: Thank you.

23 24

MR. JAMES: I believe that in your meeting book you 25 have a copy of the Koyukuk moose hunt bulletin that was sent 26 out. Is that the case? Okay. All right, you know what I'm 27 talking about then. That's the main thing that happened after 28 I last discussed this topic with you all in McGrath, I think it 29 was.

30 31

After getting indications of interest from this group 32 and from many hunters and others in the public, we went ahead 33 with pursuing the idea of what kind of moose management and 34 moose management planning needs to be done. What became clear 35 to us, shortly after that time, was that we did not have a 36 clear idea of what was needed. It's the same thing if you're 37 going to go out hunting for a squirrel, you sure don't take 38 your moose gun with you and we didn't want to commit ourselves 39 or over commit ourselves to getting involved in a process 40 larger than was necessary to address the issue. So we thought 41 the logical thing to do would be to talk to the hunters as best 42 we can who use that area, both local and non-local. So the 43 idea of this mailout was pursued. And it went out to about a 44 thousand people, those were the folks who had registered for 45 hunts -- for moose hunting on the Koyukuk Control Use area in 46 1996 and '97.

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48 So far Jim has received about 200 returns on the 49 questionnaire that was included with it. What he's going to do 50 with those, and he's been waiting until the last minute, is he

will compile the results of that questionnaire just before the Alaska Board of Game meeting, March 21st. So we will have all of the results from 200 plus responses available at that time. 4 We will not, at that time, though, have a complete report done 5 on that topic. After the Board meeting, Jim can -- will 6 continue to further analyze the information that we get from 7 the questionnaire and come up with some recommendations and 8 conclusions on this overall issue. And one of those 9 conclusions may well be to pursue some sort of cooperative 10 moose planning effort, if that's necessary. And after the 11 Board meeting and after analysis of these responses, we may 12 come up with a different recommendation. And that is, if the 13 hunters in the area are satisfied with the management situation 14 as it now exists, then there would be no reason to go ahead and 15 get involved in expensive and time consuming planning efforts. 16 But we haven't made up our mind at all, you know.

17 18

And like I suggested the last time I met with you, 19 there are enough issues involved in that area with moose, that 20 some level of planning effort is probably what's going to 21 happen. But I just hope you understand this was our -- our 22 intention was to get more specific information from people who 23 hunt there to give us direction on how they would like to go.

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When our final report comes out, we don't have a 26 deadline on that right now, but our board meeting goes through 27 to about the 1st of April, and my feeling is that the report -- 28 the final report on this particular effort will probably be 29 done -- well, sometime before June. That's our intention at 30 this point.

31 32

Now, I may have left something out, Jack or others may as have questions. I'd be glad to try to answer them.

34 35

35 MR. REAKOFF: One question that's in this paper that 36 Koyukuk Moose Hunt Bulletin is that the survey data for the 37 Three-Day Slough area wasn't available at the time of this 38 printing and I was wondering if -- if Jim had provided you with 39 those survey data's of current '97 mid-winter survey?

40

41 MR. JAMES: I have that with me. Would you like me to 42 go over that right now?

43 44

MR. REAKOFF: I would like to know what the bull/cow 45 ratios, if there's been an improve -- there's been a hunter 46 drop there, that's apparent. There's been a decline in 47 hunters. And I would like to know if that had a little bit of 48 effect yet.

49 50

MR. JAMES: Okay. Let me grab it.

29 30

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MR. REAKOFF: Okay. Mr. Chairman, in the interim, I 2 would like to state that I was at the Koyukuk River Advisory 3 Committee meeting in Galena on the 24th, about two days ago, 4 and we talked about a proposal there to eliminate non-resident 5 hunters from the Koyukuk Controlled Use area. There was quite 6 a bit of discussion about that proposal because there's people 7 that -- local people that guide hunters out of Huslia and we 8 didn't want to -- decided that we didn't want to cut their 9 throat because all of that meat goes right into the village, 10 you know. It's distributed on a sign-up sheet to the elders 11 primarily and their local guides and so forth. So we -- at 12 that Koyukuk River Advisory Committee meeting we amended the 13 proposal to only allow non-residents that are being guided to 14 hunt within the Koyukuk River Advisory Committee. Non-15 residents can hunt on their own, they can be flown out, dropped 16 off or dropped in, actually above there and float in and hunt 17 moose and that's what that -- I think there's 88 non-resident 18 hunters were -- participated in the Koyukuk River hunt. 19 that's an update as far as the Koyukuk River Advisory Committee 20 meeting.

The other, basically the feeling of the committee was 23 that the 250 hunter limit up into the hunt area, that at any 24 one time, Woolington told us that 150 of who were hunters was 25 the most that were in there at any one time and that seemed to 26 have an effect on reducing the hunting pressure. And I wanted 27 to see from David James here whether those bull/cow ratios had 28 reacted to that reduced harvest.

MR. JAMES: Jack, the information that we have from 31 last year's survey indicates that it's about the same. And you 32 know, to answer your question directly, it appears no, there's 33 been no obvious response yet in that bull/cow ratio. For the 34 three most recent years which were the lowest years, we have 35 23, 24 and 20 bulls per hundred cows, and that latest is last 36 fall, '97.

MR. COLLINS: Twenty.

MR. JAMES: Twenty, yeah. And I should clarify that, 41 in our current management objectives for that area, we've 42 targeted 30 bulls per hundred cows as the desired post hunt 43 ratio. I think there might have been some confusion over that, 44 however, that the concern in maintaining 30 -- under those 45 kinds of moose densities is not to ensure adequate breeding 46 there. You know, under those kinds of moose densities you can 47 get a bull/cow ratio, we feel confident at 15 per hundred would 48 be adequate. What you're going to see though is fewer bulls 49 for hunters. That's, I think, the main issue here.

CHAIRMAN MORGAN: Sam.

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MR. SAM: Yeah. Mr. Chairman, I know we targeted this 30 to hundred ratio, but then you have to realize also that we 5 also introduced or we were successful to including antlerless 6 moose be taken or harvested at latter days of the season, four or five days, and I think it will take time -- put into effect 8 or get near our desired number of bull/cow ratio. Because at 9 that time, when we went after that antlerless moose harvest, 10 that bull to cow ratio is going real far down, so it will take 11 a few more years before we can really analyze this.

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CHAIRMAN MORGAN: Benedict.

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MR. JONES: Mr. Chairman, Dave, I just wanted to ask 16 you a question. One your survey there, there's many elders 17 that's been concerned about the wolves. What they're concerned 18 about is they don't want to see too many mature bulls taken 19 out. Do you have the data on the mature bulls that's been 20 taken out over 50 inches?

21 22

Their concern is if they take all the mature bulls it 23 will cut the cow ratio population down.

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25 MR. JAMES: I'm sorry, I do not have that information 26 with me.

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MR. JONES: Okay.

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CHAIRMAN MORGAN: Ron.

31 32

MR. SAM: Yeah, Mr. Chairman, I think it would be 33 beneficial to this Council and people throughout our Western 34 Interior region that we are covering to invite Jim Woolington 35 to all of our Western Interior Council meetings. I know that 36 if Tim Osborne was there he would be in attendance and we 37 haven't been that satisfied with Woolington's involvement in 38 all our attempts to clarify all of our problems with both the 39 State and Federal.....

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CHAIRMAN MORGAN: Vince.

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43 MR. MATHEWS: Mr. Chairman, through our coordination 44 with the State, they're invited that way and all the agendas 45 are sent to all effected area biologists. So he knew of the 46 meeting and was invited.

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MR. REAKOFF: Mr. Chair.,

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CHAIRMAN MORGAN: Jack.

MR. REAKOFF: I think it would be more economical if 2 Mr. Woolington, at least, provided all pertinent age class data. My current questions are age structure of the bulls 4 being harvested. Whether those age classes are being -- are declining. And whether those -- and the other question I have is whether those are medium to large bull only in the bull/cow ratio; is that what that is? Medium to large bulls and the yearlings are excluded or.....

> MR. JAMES: No, those are all bulls.

MR. REAKOFF: All bulls?

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14 MR. JAMES: Yeah. I do have yearling bulls per 15 hundred. But the figure I gave you includes all three 16 categories.

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MR. REAKOFF: Mr. Chairman.

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CHAIRMAN MORGAN: Jack.

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22 MR. REAKOFF: My personal feeling is that like the 23 Koyukuk River Advisory Committee that the regulation 24 registration hunt changes that were implemented did have a 25 reduction of hunter numbers and it was kind of the feeling of 26 the Koyukuk River Advisory Committee to leave it -- you know, 27 it's starting to turn around and to leave it alone and watch 28 it. It is -- the last two winters have been real easy snow 29 winters, it makes a higher calf survival. And basically the 30 committee was feeling -- and Bill can put in his thing there, 31 is that let's -- to sit back a little bit and just watch to see 32 what happens this next year as to -- and then allow the co-33 management thing to kind of come together and really get some 34 long range ideas going. Was that your feeling Bill?

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MR. DERENDOFF: Well, it -- I think the reason why I 37 brought that up was because a lot of these proposals that were 38 coming in didn't seem like they were there long enough to even 39 give it a chance to see if it would work or not, and they were 40 trying to put more proposals on top of that proposal or even do 41 away with it completely. And what I never thought about the 42 co-management part involved in that part, I hadn't really 43 thought about that, no. It wasn't that part, but it was -- it 44 was just that part I mentioned.

45 46

I have a question, Mr. Chairman. MR. SAM:

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CHAIRMAN MORGAN: Ron.

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MR. SAM: Did you select a person to attend and testify

00184 1 before the State Board of Game? 3 MR. DERENDOFF: Yeah. 4 5 MR. REAKOFF: Yeah. 7 CHAIRMAN MORGAN: Rudy? 8 9 MR. REAKOFF: Yeah. 10 11 MR. DERENDOFF: Rudy Summer for -- what was that a 12 joint Board meeting? 13 14 MR. REAKOFF: Joint meeting. 15 16 MR. DERENDOFF: So it was Rudy Summer from Koyukuk 17 River. 18 19 Thank you. MR. SAM: 20 21 CHAIRMAN MORGAN: Anymore questions? 22 23 MR. REAKOFF: Those were all the questions that I had 24 for him. And I think that close monitoring of the situation is 25 what this Council is endeavored to do. There are proposals to 26 eliminate the 250 -- or 50 hunter limit at the river, that was 27 voted down by the Koyukuk River Advisory Committee. Basically 28 we wanted to -- the committee was to -- or the proposals that 29 passed, was to let the regulations that have been put in place 30 have a chance to take their effect now. I was hoping for a 31 better bull/cow ratio, but maybe next year it will pickup a 32 little bit. 33 MR. JAMES: I just might add on to that that those, you 34 35 know, 23, 24 and 20 are not significantly different. And that 36 those are close enough figures that there could be other 37 reasons for explaining that kind of difference, just difference 38 in the distribution of the moose and that sort of thing. 39 40 MR. REAKOFF: Um-hum. 41 42 MR. JAMES: You know, you're well aware of that kind of 43 variation that can take place. But it's safe to say there 44 hasn't been any big change because it's pretty safe to assume a

I also would like to add that quite some time ago when 49 we looked at the tentative schedule for this meeting which was 50 scheduled for Galena, Jim and I both made plans -- Jim planned

45 very large significant change would become apparent. But this

46 looks about the same.

to be there in Galena and attend the meeting for two days and myself for at least the second day, like I'm doing right now. And then we became aware that the meeting was changed, in the meantime he had already made other obligations that depended on being in Galena to attend this meeting as well. So I'm not saying it's impossible that he could have been here, but as usual it came down to a matter of figuring out how to cover all our bases as best we can. If it had been in Galena, as originally planned, I can guarantee you he would have been there.

In the meantime I'd be glad to pass along your invitation, Ron, about specifically asking him to attend, that's perfectly fine and I'll pass that along and you may wish to do that in writing.

CHAIRMAN MORGAN: Vince.

MR. MATHEWS: Yes. I won't respond to that because
there was two week notice there and we'll leave it at that.
The other thing is it's not clear to me how this Regional
Council will plug into this action? And does the State plan on
presenting this draft report in March to the Federal
Subsistence Board since there's a large Federal makeup of land
in that are? I suppose my core question is is how does the
Federal program plug into this process?

MR. JAMES: If it's appropriate for me to respond. I
think our focus -- our primary focus at this point is with this
group. If you're asking with the Federal program overall,
specially just the preliminary compilation of results. I'm
not sure if that would serve any purpose at the Federal Board
meeting. But if there was a specific request for that then we
could certainly do it but we weren't planning on it.

MR. MATHEWS: The reason I bring that up is because it 37 sounds like that will be the mechanism that will decide if 38 there really is a need for a planning process. And so I assume 39 the State will just keep the Federal program informed of that. 40 We don't want to repeat what happened in the past of closures 41 and openings and all that. That's what's behind all my 42 comments because that wasted tremendous amounts of time, 43 Federal, State, local and everyone else. So that's where I'm 44 coming from. And I'm stepping out of my role, but I'm trying 45 to watch the physical and time aspects of this. That's the 46 only thing I'm driving at.

MR. REAKOFF: Mr. Chairman.

CHAIRMAN MORGAN: Jack.

MR. REAKOFF: Mr. Chairman, I was at Tim Osborne's 2 office at Galena the year before last and in the computer he 3 has age, class -- he has the size of the horns. Those moose 4 that went through the checkpoints have all been measured. And 5 Benedict was asking, you know, how many of the over 55 inch 6 bulls, those have all -- all those moose have been measured. 7 All of those moose have a tooth pulled and all of them are age 8 classed. I would like for that type of information, biological 9 information to be presented at our next meeting by -- that's 10 the type of questions -- or biological types of questions that 11 are very pertinent to what we're dealing with as tracking this 12 health of this moose herd and that's the age structures, the 13 bull/cow ratios, the calf productions and the -- there's moose 14 that actually get 60 something inches in four years there. 15 -- those -- he aged moose that were 60 something inches that 16 were four years old. Those moose actually grow a lot faster 17 than moose in other places. Up where I'm at they don't grow 18 that fast.

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So those are the kind of information that, whether he 21 attends or whether he can compile all that and send it on, that 22 doesn't really matter. We just want that information. But it 23 would be nice to discuss things with him.

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CHAIRMAN MORGAN: Ron.

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MR. SAM: Yeah, I'm just trying to answer Vince's questions here on how we plug-in with the State's -- or 29 proposals before the State. The only way I can answer that is 30 that I guess because of Jack and my involvement with the 31 Koyukuk River Advisory Committee. And as far as that co-32 management agreement is concerned, it's still in the drawing 33 stages and we're still trying to setup another meeting to get 34 that into being -- actual being in operation. So we'd be more 35 willing to work with you and Woolington.

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CHAIRMAN MORGAN: Benedict.

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MR. JONES: Yeah, the most reason -- not only the 40 Koyukuk River, every area that's concerned about the matured 41 bulls is -- on the reproduction, that's what they're concerned 42 about. And like Shageluk and Holy Cross area, they're 43 concerned about that, that the out of state hunters go up on 44 the foothills of the mountain, Ft. Yukon area does the same 45 thing, and they -- or the matured bulls don't come -- don't get 46 a chance to come down to the river or some -- they're caught 47 before they get out into the flats. That's their concern about 48 flying with airplanes.

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And just for your information, for the Board here, that

00187 reauthorize antlerless moose hunt again for next year what we will do every year, reauthorize antlerless moose hunt. 3 you. 4 5 MR. DERENDOFF: Mr. Chairman. 6 7 CHAIRMAN MORGAN: William. 8 9 MR. DERENDOFF: Maybe I would ask this Council members, 10 because this is co-management, since we're kind of in this 11 moose topic -- which is co-management, what if the Board 12 participates -- or up there are participating, what -- how much 13 of a part will they take into supporting something like a co-14 management or information? That would be addressed to the 15 Council members. 16 17 CHAIRMAN MORGAN: Sam. 18 19 MR. SAM: What Board are you addressing? 20 21 MR. DERENDOFF: This Board here. 22 23 MR. SAM: With you and I and Jack on there we could run 24 it if we want to.

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MR. DERENDOFF: Well, that's -- this is what I'm 27 saying, you know -- you know what I'm saying.

MR. REAKOFF: Yeah.

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MR. DERENDOFF: Because there's -- I don't know what 32 you want to say, limit or -- I'm not against none of these, but 33 you know, I'd like to see it passed. That's where I get kind 34 of confused.

MR. SAM: Mr. Chairman.

CHAIRMAN MORGAN: Go ahead.

40 MR. SAM: I saw some correspondence within our booklet 41 that Vince put out. And it's quite apparent that he's already 42 done some footwork on this, asking for State and Federal 43 funding, if possible, to pursue this co-management effort 44 within the Koyukuk River. 45

46 I also addressed your tribal chief and secretary at our 47 co-management moose meeting to deal heavily and correspond 48 heavily with the Western Interior Council. So we will be 49 involved. And as to what extent, we don't know at this time 50 because the co-management committee is just beginning, but we

00188 will be involved.

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3 MR. DERENDOFF: Okay, that answered my question. I

4 know it's going to be there, you know, but just to make sure, that'd be good to know.

CHAIRMAN MORGAN: Vince.

MR. MATHEWS: Well, I must have did a good job or 10 something, on that funding request please be aware that the 11 Board agreed to it. That if there was a planning process that 12 they would fund Regional Council representative travel. 13 can add more dollars to it but that's what was agreed to 14 because the Board does not have budgetary -- that's the 15 farthest that it went on funding. So I want the record to be 16 clear that it wasn't the Board funding a process, it was just 17 going to pay for travel for one member to go into a process; 18 that's all I know of.

CHAIRMAN MORGAN: Henry, do you want to comment?

MR. DEACON: I guess my question might be on line, but 23 what I'd like to know here and Jack's on the record has been 24 kept -- what I'd like to know is how much is being killed by 25 the wolves in that area? Has there been any study done on it 26 for the future? Because there's a whole population of wolves 27 getting to be in our area and I'd like to start having studies 28 be done, how much moose has been taken by the wolves in that 29 area. I'd like to see that kind of study being done for the 30 next meeting so we can have a record. There is a lot of --31 the way to keep track is we see those -- is how those wolf kill 32 the moose in a various area. So I'd like to see that kind of 33 report in the next meeting.

MR. JAMES: I could respond, Mr. Chair, to at least 36 partially to that. At the Board meeting, at the State Board of 37 Game meeting that starts next month, the 21st, one of the tasks 38 they have to accomplish is to go through all of the Interior 39 and look at the various moose and caribou populations and 40 identify those which may need intensive management. 41 that means is identify certain areas where moose and caribou 42 are important for food. And if they give that identification 43 or they give that classification is what it's going to turn out 44 to be, they were classified as an intens -- as the potential 45 for an intensively managed population, that's going to set in 46 place a whole -- a potential for a whole process of 47 regulations. That all are related to intensive management. 48 other words, how do you help a population to get back up to 49 higher numbers so there's more for people to use.

One of the considerations they're going to be looking 2 at is what's the land status of a particular population? 3 Sometimes it's all on State lands, sometimes it's all on 4 private lands, like Native corporation or at least partially or 5 on Federal lands. And is so often the case, one of the main 6 wildlife management tools that we have to help a population 7 frequently turns out to be wolves. If we could, for a period 8 of time, keep the wolf population down to a low level, as you 9 well know, then in many cases the moose and caribou population 10 can come back up. One of the things the Board is going to be 11 considering, though, is if it's on Federal land or not, and if 12 it is, that tool, it's not the only tool but it's one of the 13 most important, at least in the Interior, is probably not an 14 option. Because predator control restrictions on Federal land 15 are even more difficult than they are on State land. And keep 16 in mind that at this time we have a State administration and a 17 Governor who has said there will be no lethal wolf control, at 18 least, for the short-term, for right now.

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So those are the kinds of considerations that will be 21 debated at that meeting in March. And I know that several of 22 you are on advisory committees and who will have representation 23 at that meeting and will have an opportunity to listen to that 24 discussion and debate. It could have some fairly major 25 influence over how management programs are run in some areas 26 such as yours. And right now, I don't have a crystal ball and 27 I'm not clear on how that's going to turn out.

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29 As far as doing studies, just with -- now, take -- I'm 30 not talking about the Board of Game now, I'm just talking about 31 the Department of Fish and Game and how Jim Woolington out 32 there in Galena will conduct his programs, as far as doing an 33 intensive study to find out what the level of wolf population 34 is, what the level of how many moose they're killing in that 35 area, and that sort of thing, actually we look at -- that's our 36 decision of whether to do that or not is influenced by our 37 potential to do anything about it once we do know. And we just 38 recently turned down an opportunity to participate in an 39 intensive moose/calf mortality study on the Yukon Flats Refuge 40 because we don't see the payoff in terms of management action. 41 If a study determines that the wolf population is a very high 42 level, our ability to do anything about it has changed markedly 43 in the past several years. The only place we're involved in 44 wolf control right now is, as you're probably aware, is a non-45 lethal controversial project involving the sterilization of 46 wolves. That's the only tool we have right now to deal with 47 wolves. And when we see the handwriting on the wall and we've 48 got limited dollars to do limited programs, we think about 49 that; what's the possibility of doing anything about it if we 50 do find out that it's a high level of predation.

00190 So I'm just trying to give you some insight into how we are trying to run our programs these days given the changing political scene and it's a very challenging and difficult one and controversial as you're well area. 5 6 Anymore questions? If not, can we CHAIRMAN MORGAN: 7 break for lunch at 1:30. 8 9 MR. JONES: Quick question. 10 11 CHAIRMAN MORGAN: Quick question he says. 12 13 MR. JONES: On your sterilization and replanting of 14 wolf, are you sterilizing the males or the females? 15 16 MR. JAMES: Both. 17 18 MR. JONES: Both. And they're not to reproduce anymore 19 pups or anything like that? Is that what your aim is at? 20 21 MR. JAMES: For the life of those wolves, yeah. 22 23 MR. JONES: Okay. That's all the questions I have. 24 25 MR. SAM: A forest birth control. 26 27 MR. JAMES: That's over in the Fortymile country west 28 of Eagle. 29 30 MR. SAM: Where you're doing that? 31 32 MR. JAMES: East of Circle. 33 34 MR. SAM: Where are you taking them? 35 36 MR. JAMES: Do you want some? 37 38 MR. SAM: No. 39 40 MR. JAMES: Two areas. Jack knows something about this 41 or he will soon, but the one area that they've been -- the 42 other wolves that are not sterilized, they are moved. The 43 extra wolves are moved and that's been over towards the 44 Canadian border. 45 46 MR. SAM: Yellowstone. 47 48 MR. JAMES: The other area that will take place in a 49 month will be down to the Kenai Peninsula. And then there's a 50 third area being investigated right now and that's in Jack's

00191 backyard. 3 MR. SAM: No, that's the one where Togiak ends, only about 60 miles and there's trails down that way, various end 5 roads. 6 7 MR. JAMES: You'll have an opportunity to..... 8 9 CHAIRMAN MORGAN: Recess for lunch. 10 11 (Off record) 12 (On record) 13 14 CHAIRMAN MORGAN: I'd like to call the meeting back to 15 order. 16 17 MR. MATHEWS: Okay, Mr. Chairman, we're still under 18 information action items, and we're under B. And we'll be 19 having different people present different sections, 13(B). And 20 this one is talking about coordination efforts with the Alaska 21 Department of Fish and Game and it's kind of an action item and 22 that's under Tab V as in Venetie. 23 24 Well, I couldn't think of -- well, I wasn't going to 25 say Vince. 26 27 MR. COLLINS: You could have said Vince. 28 29 MR. BOYD: Okay, Mr. Chair. 30 31 CHAIRMAN MORGAN: Okay, go ahead. 32 33 MR. BOYD: I'll do the report and I'll refer you to the 34 first pages under Tab V, and also to the letter that was handed 35 out to you. 36 37 MR. MATHEWS: Oh, I haven't done that yet. 38 39 MR. BOYD: That will be handed out to you from the 40 Chair of the Federal Subsistence Board, Mitch Demientieff, 41 dealing with this issue. And there's a letter, it's fairly 42 short, a little over a one page letter that Vince is handing 43 out and a hand out in the yellow -- there are two attachments. 44 One is an issue paper dealing with participation by the Alaska 45 Department of Fish and Game, Federal Subsistence Interagency 46 Staff meetings, and the second part of that yellow attachment, 47 going in about four pages or maybe six pages, if you count 48 front and back, there is a summary of the fall 1997 Regional 49 Advisory Council comments on State/Federal coordination. We 50 call it MOA on the title. Memorandum of Agreement, the issues

surrounding enhanced coordination with the Alaska Department of Fish and Game. And this summary points out all of the input from the 10 Regional Councils on that issue from last fall. So I may give you a few minutes to kind of glance over that before I speak.

(Long pause)

9 MR. BOYD: I think if you just look at the letter from 10 Mitch, it'll cover the points that I want to cover with you, 11 the white paper. And if you have time you might glance through 12 the yellow one.

(Long pause)

MR. BOYD: Okay. When you're ready, Mr. Chair. We 17 brought this item to you last fall. That the Staff from the 18 Department of Fish and Game, as well as Staff from the Federal 19 Agencies implementing the Federal program have been meeting as 20 a joint committee to discuss ways to improve and enhance better 21 cooperation and coordination between the Alaska Department of 22 Fish and Game and the Federal Subsistence Program, with the 23 idea of bringing better information, particularly biological 24 and other technical information to the Councils for better 25 decisions. I mean that's the end goal here.

And at the time we thought we were probably on the road 28 to developing a memorandum of agreement with the State, and we 29 still may be, but during the course of discussions I think it 30 was determined that there might be ways that we can already 31 begin an enhanced cooperation with the State. And we have 32 taken several steps to do that. And we wanted to bring you up 33 to date and keep you abreast of what we're doing. The work of 34 this task group is not completed yet and we very well may end 35 up with a memorandum of agreement, but whether we do or we 36 don't, we will stay ahead of it with the Councils to make sure 37 that you are well informed because we realize that you are very 38 much a part of this process and very much a prominent part of 39 it and we wanted to keep you in the loop.

When we met in the fall, this Council generally agreed with the concept of enhanced cooperation for the purposes stated and had some comments they provided which are captured in the summary. What we've been doing since then is we've identified some ways to improve the regulatory process, after particularly with regard to the Staff analyses that are prepared in the booklets, what you've been going through the last day or so. And we have brought the Alaska Department of Fish and Game into sort of the review step of those before they so go to the Councils. The idea being that they can review those

technical analyses and provide comments to our Staff before they are finalized and before you receive them.

This has been ongoing informally anyway since the 5 program began where we've had Staff to Staff relationships with 6 the State. But we've I think brought that into our process now 7 and made a more formal step in the process to do that. 8 we've done that. And one of the things that the Staff 9 Committee has recommended to the Board is that the Alaska 10 Department of Fish and Game also be invited to participate in 11 Staff Committee meetings to discuss whenever we have technical 12 analyses on the table or regulatory proposals before us and 13 they are technical information that provided by the State is 14 necessary to be discussed. The idea being is that we want to 15 avert any conflicts in interpretation of data, if you will, 16 that they collect before it gets to the Councils or the Board.

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And what the Staff has proposed to the Board is that 19 the State have a representation in those committee meetings to 20 discuss the data, but not to participate in the decision making 21 aspect of those deliberations. The Staff Committee has also 22 recommended that Council involvement in the same Staff 23 Committee meetings be allowed on an as needed basis, but it 24 wouldn't necessarily be a standing invitation, but if we 25 determine beforehand the need for Council input, that we would 26 then go to the Councils. The Staff Committee generally meet, 27 and by the Staff Committee some of you may not know what I'm 28 talking about. The Staff Committee is essentially a committee 29 composed of representatives of each of the Federal agencies 30 that serve as sort of the subsistence coordinator or contact 31 for that agency and they serve under their respective Board 32 members from that agency. And generally we are the ones that 33 do all the leg work and develop all of the recommendations, the 34 Staff recommendations that go before the Board.

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So in our deliberations we are preparing our 37 recommendations to the Board. And so there may be times when 38 we feel a need to bring some members of Regional Councils such 39 as yourselves into those deliberations to help us better 40 understand information that you have already brought into the 41 process. So I want to make a distinction between what we're 42 proposing here. One is that the State have more or less a 43 standing invitation to these deliberations of the Staff 44 Committee and the Council representatives as needed.

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In making this proposal several of the Board members 47 thought it would be necessary to bring this back to each one of 48 the Councils and get their input before they finalized whether 49 we would take this step of enhanced coordination with the State 50 of more of a standing invitation for them to participate with

us. So they wanted to hear from you what you thought, whether you thought this was a problem or whether you thought this was a good idea.

CHAIRMAN MORGAN: Ron?

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MR. SAM: Yeah, Mr. Chairman. Mr. Boyd, I just still think that it is a good idea that we work closely with the State because I've noticed in the last couple of our meetings 10 that we go through these proposals faster because we have 11 developed a better understanding on where we're coming from and 12 how we fit in with the State regulations. And I think that the 13 more Staff has understanding to where we're at and where we're 14 trying to go would be beneficial to this Council.

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MR. REAKOFF: Mr. Chair, I'm in favor of the State and 17 Federal program's coordination in population health concerns 18 and sharing of data. Jim Woolington down at Galena stated that 19 the State has no preference in the allocations of who harvest This has not proven to be true in all cases with 20 resources. 21 State management. I have no problem with the State's reviewing 22 of proposals and working in a Staff, but I would like to see 23 that the State's positions aren't totally blended, that we can 24 see both where the Staff is coming from and where the State is 25 coming from and that we don't get a blended opinion that may 26 diminish the subsistence allocation, which is basically the 27 Federal program is to safeguard the subsistence allocation and 28 the State I'm of the opinion has a different tier of allocated 29 priority. I'm under the opinion that the State's allocated 30 priority has been commercial non-resident use, urban resident 31 use, rural subsistence use and the third category, whereas the 32 Federal program is in the inverse. Therefore I would like to 33 in the Staff Committee both sides of the stories presented.

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MR. BOYD: If I could respond. I think this has arisen 36 generally because there have been at times, and I would say 37 rare instances, and this is probably a debatable point their, 38 but where biologists, for example, State biologists and Federal 39 biologists have disagreed about the interpretation of 40 population data. And there are reasons why professionals 41 disagree and that's not uncommon. And at times that conflict 42 has actually been brought in front of Regional Councils and the 43 Board. And so we're seeking ways to minimize that. I'm not 44 saying it will have totally eliminated it, but we're seeking 45 says to minimize that. And that's sort of the real problem 46 where that we're trying to address. To stay with, you know, 47 what the biologists do in interpreting the data and keep that 48 separate from the decision making process I think is where 49 you're coming from, Jack. And the idea is we wanted to set 50 some ground rules before and propose before we invited the

State to participate with us, that that's what the focus would be, and not on deliberating policy or outcomes or decisions.

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MR. REAKOFF: Yeah.

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CHAIRMAN MORGAN: Ida?

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MS. HILDEBRAND: I'm stating this just for your information and because I think it's somewhat incorrectly 10 presented. And that although it is the Staff Committee 11 recommendation, it is the Staff Committee vote of three to two 12 to have ADF&G at the Staff Committee meetings. And this is for 13 your information only. You can do whatever you wish with it. 14 And the reason that I oppose ADF&G at the Staff Committee 15 meetings is I'm generally out-voted anyways, and although they 16 don't have a vote, they will have a presence there. And I also 17 agree there should be coordination and I also recommended that 18 ADF&G already have the potential or the invitation to present 19 that information to the Regional Council directly before it 20 goes to the Staff Committee, so that information would 21 generally be on the table anyways. And if they have been doing 22 this in an informal manner, I did not see a reason to change 23 that. But, again, that is my opinion and the Staff Committee 24 did vote in support of that. Thank you.

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MR. BOYD: Well, my respond is we don't always agree even among the Federal agencies. And I think, you know, in fairness to Ida, generally I try to present a unified front. I think her characterization of the Staff Committee outcome on that is accurate. And the Staff Committee clearly doesn't have the final say in this. It's merely a recommendation that goes to the Board and, hence, why we're bringing the issue back to you to get your honest reaction to what we're proposing and to bring that before the Board and for them to decide whether or not we want to take this next step. And I'm of the view that as long as we set the ground rules, I don't think we're going to venture into the arena that Jack is concerned about.

30 Obviously some of the Staff Committee feel like it's possible and therefore they would take a more conservative viewpoint in that regard.

41 42

CHAIRMAN MORGAN: Ron?

43 44

MR. SAM: Yeah, Mr. Chairman, I can understand Ida's 45 point of view because that is exactly the opinion that I was 46 operating under until quite a few years ago. And I think my 47 opinions and feelings have changed or mellowed a little bit 48 since I serve on the Koyukuk River Advisory Board which is 49 State funded and State oriented in this Council. I feel fairly 50 comfortable with all the agencies involved. As I said before,

I am opinionated and I make my point of view known. And there is quite a few tribal offices within my area that are scared of both the State and the Federal on any kind of subsistence issues, which they have a right to be, but a lot of it is misunderstanding and a lot of it is that they don't know their own powers or what they can do to make any changes or try to make any changes that they need to. That's just a comment and statement.

CHAIRMAN MORGAN: Ray?

MR. COLLINS: Yeah, Mr. Chairman. I think as we've
13 stated before and as I've stated before, I think that we cannot
14 move some of these issues forward without closer cooperation,
15 like in the Unit 21 and the Koyukuk River and so on, there has
16 to be cooperation. And I'm not sure at what level it should
17 be, but at least I think this his a move in the right
18 direction. And I guess one of our responsibilities would be to
19 watch this as it develops and if we feel that there's problems
20 in that, that we would bring that to their attention. In other
21 words, we have kind of an oversight since. If we think things
22 are getting skewed, then we need to listen to the concerns that
23 are expressed by whoever and try to make sure that doesn't
24 happen. But we've got to have it or we won't solve some of
25 these things. There's got to be closer working.

CHAIRMAN MORGAN: Any more comments?

MR. REAKOFF: Mr. Chairman?

CHAIRMAN MORGAN: Jack.

MR. REAKOFF: I understand where Ida is coming from there. I feel that she has and I have reservations of putting the chicken or the fox in the chicken coop and, you know, laying all the cards out on the table before the Councils actually get to have their input. And is there maybe a slightly different way of having this coordination work where the Staff Committees come up with their data and plans and then have a meeting between the State, but not a joint interloping, interlaping of ideas and come up, basically present what the thing is and then have a meeting and then hash these things out, so that there's a separation, more of a separation between these and not a blended, a mixed-up effect of the ideas.

MR. BOYD: I think that concept is certainly on the 47 table. I don't think we've worked out the details of how we're 48 going to interact with the State at this level. I mean it's 49 quite possible we could sort of separate the meetings where we 50 talk about the technical input and our understanding of the

data and interpretation of the information on key issues of 2 mutual concern, and then we go about our business as we've 3 normally done it without their presence. That's one option 4 clearly. And another one is just to have them present during the entire deliberation. It's really a question of meeting dynamics and how you want to manage the meeting itself.

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I think in either case the goal would be to keep 9 separate the discussion of the interpretation of the 10 information and the data from the deliberation and the decision 11 making. And when I say decision making, the Staff Committee 12 makes no decisions. I don't want to misrepresent that. The 13 Staff Committee develops recommendations and the Board makes 14 decisions. And clearly the Councils are involved at that level 15 when the Board makes those decisions. So we have to step back 16 and take a view of the larger picture of the regulatory process 17 here.

18 19

And I would go a step further, and I haven't said this 20 to all Councils, but since it's been brought up here, I think 21 Ray brought up oversight. If one of you wants to come and sit 22 in a meeting, and you have a legitimate concern and want to see 23 how it's conducted, I would welcome you, you know, I would 24 invite that so you could understand that part of the process. 25 But I couldn't do that wholesale for all 90 Council members 26 because I don't have a big enough budget, but I mean if people 27 have legitimate concerns, I mean I think we would be open to 28 that.

29 30

But to go back to your point, your comment is a 31 legitimate one and I think we'll take it into consideration 32 because we've discussed that very thing.

33 34

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CHAIRMAN MORGAN: Ron?

MR. SAM: Yeah, I think Ray said it best or said all 37 that we need to say really, that $i\bar{f}$ we do go forward with this 38 joint effort and trying to work closer together, we can always 39 sit back, rear back or something and then redo the whole 40 process if we have to.

41 42

MR. COLLINS: Mr. Chairman, I've been smiling since 43 Jack's analogy there because I've been throwing that around, is 44 it like the wolf and the fox getting together and negotiating 45 before they sit down with the chickens, whatever, you know, 46 thinking of who has the power.

47

CHAIRMAN MORGAN: Ron?

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MR. SAM: Yeah, I'm at a loss here. Do we take any

kind of action on this, or.....

2 3

MR. BOYD: I think the Board would like to know what you think in a nutshell. They would like to hear what you have to say. And we're going to capture the summary of your comments and present it to the Board. They want to be comfortable with the next step too, and that's why Mitch wrote this letter and sent it to you. I should say that's why Mitch had this letter written.

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MR. SAM: Mr. Chairman?

12 13

CHAIRMAN MORGAN: Go ahead.

14 15

MR. SAM: I would like to go forward with this
progress, I mean provision that we start meeting together, or
at least take some steps. But I would like to see, yeah, just
go ahead and start meeting together. I don't know how much in
detail that you go into, would be I think entirely up to
whoever is present because that usually sets a date. And if
you're ever hosting a meeting you can more or less do what you
want then too anyway. But I would like to see this process
started.

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MR. REAKOFF: Mr. Chairman?

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CHAIRMAN MORGAN: Jack.

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MR. REAKOFF: I'd like to find out what Vince is 30 jotting down there a little bit. Maybe we should.....

31 32

MR. MATHEWS: I've been kind of taking a break here, 33 but I capture that you're supportive of the coordination 34 efforts and that you will reserve the right as oversight 35 throughout the program and that you have expressed an interest 36 in seeing how the Staff Committee works. And maybe briefly I 37 can just tell you that real quickly. It's the five agencies 38 there and then your team is present at that time, and other 39 representatives from Federal agencies, and this time it would 40 be State agencies at some point during that. And basically we 41 roll up our sleeves and really go over the issues.

42

Those that there's not much disagreement on, they sail 44 right through. The other ones, Tom is the Chair of it. I just 45 wanted to acknowledge that you had three Staff Committee 46 members here. Ida is one for BIA, and then Carl Woolton I 47 think I got. Curt.

48

MS. MEEHAN: Curt Wilson.

49 50

MR. MATHEWS: Curt Wilson was here, he's the new one

for the Staff Committee.

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MS. MEEHAN: For BLM.

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MR. MATHEWS: For BLM, correct. And I just present the Regional Council recommendation, Pete or George present the analysis and then depending on the issue there's a lot of 8 questions. To me it's very enlightening. I don't have a 9 science or biology background, so I learn tremendously at these 10 meetings on it. And that's the structure of the Staff 11 Committee, just so you understand that. It's more of a role up 12 your sleeves, there's very little formality with it. Sometimes 13 it's like a college thesis defense to be honest with you. 14 for me as an employee it's very worthwhile to hear those 15 debates at that level.

16 17

When you get to a Board level, similar to this level 18 but even more formal, it's a little bit more difficult to have 19 those discussions. And that's where the Staff Committee can 20 kind of air these out. So anyway I've captured it and of 21 course we have the transcript. And when it comes to the 22 minutes it'll be captured and if it's the desire of Tom, who 23 supervises the program, or this Council, or both, we can 24 summarize it separately and provide that. We probably will do 25 reports separate.

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MR. REAKOFF: Mr. Chair?

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CHAIRMAN MORGAN: Jack.

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MR. REAKOFF: That's your understanding of our 32 comments. My main comments are that the State and the Federal 33 program should come close together, but not meld the DNA 34 together. And basically have a face to face dialog, not a 35 paper war. That's what I'm going after on this thing.

36 37

Is that that chicken DNA? MR. SAM:

38 39

CHAIRMAN MORGAN: Ray?

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MR. COLLINS: Mr. Chairman, I'll have to throw out one 42 more that went through my mind. Maybe since the farmer is 43 supposed to be looking after the chickens, and so maybe it's 44 the fox and the farmer getting together before that.

45

46 MR. MATHEWS: Mr. Chairman, I don't know if there's 47 much more you need to do on it because we just capture the 48 comments and go forward. And it's clear that they were the 49 full Council's comments. There was no other opinions. And 50 you'll have chance at the minutes if it's not captured right.

And at the Board level.

MR. SAM:

MR. SAM:

MR. MATHEWS: Yes, it is.

3 4

CHAIRMAN MORGAN: Okay.

5 into briefings. These are items that were before you last 7

They're back before you somewhat to give an update, but 8 not totally. The next one is the working group on 9 restructuring the Federal Subsistence Board. Last fall you 10 took that up. Your position was that the existing structure 11 was adequate and fine. So that's the next item we wanted to 12 kind of brief you on, was the restructuring. And I think we 13 have a handout on that but I'm not sure where it's located.

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22 I've seen it. Tom or maybe the other ones will. Because I 23 just saw it when this book came in my delivery. There is a 24 response by Bill Thomas, the Chair of Southeast. And I think 25 we need to discuss that too, but just so you know it's there 26 because Bill Thomas is the Chair of the Chairs. He was elected

27 by all of the Chairs as the key representative to the Board. 28 So I'll leave it at that. 29 30

31 item at this point, no action required. 32 33

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35 36 think in a nutshell, if you'll recall last fall, I'll try to 37 boil this down, there were two or three options presented to

38 you and you were asked to comment on that. This information 39 went back to this task group. The task group again was made up 40 of Mitch Demientieff, the Chair, and two other Board members, 41 Dave Allen from the Fish and Wildlife Service, and Jim Caplan

42 of the Forest Service, and there were three Federal Subsistence 43 Board members and Bill Thomas, who is the Chair of the

44 Southeast Regional Council. And all of the Council input went

45 back to them and they just recently deliberated and they are 46 not recommending a change in the current Board structure based

47 on that input. But they focused instead on some of the

MR. MATHEWS: Right.

50 -- that the present makeup of the Board doesn't really

49 change. And I think the primary concern was there's not enough

MR. MATHEWS: So I think that the next item is we get

Status Report, Board Restructuring?

MR. MATHEWS: V for Vince. And this is the first time

MR. BOYD: I think this is I guess an informational

MR. BOYD: And it's page two of Tab V. Tab Vince. I

Yeah. Under V, second page.

48 concerns presented by the Councils and why they wanted to

understand subsistence. And that was the concern that sort of prompted this idea of changing the Board structure.

There were obviously some legal obstacles to making 5 wholesale changes in the Board structure and we reviewed those last time. What they are recommending is, and I guess I'll focus you on the second page of that briefing paper, and it's 8 the second paragraph there where it starts, the task force 9 determined that the Regional Councils concern about adequate 10 participation in Board meetings could be addressed by changing 11 the Board's proposal review process, and that's in the Board 12 meetings themselves, to include greater participation by the 13 Regional Council representatives and Chairs come in for those 14 Board meetings. Specifically, the Board process can be revised 15 to include an additional opportunity for Regional Council 16 comments following Board deliberations and immediately prior to 17 -- and by Board deliberations I think what we mean by all 18 deliberations before the Board acts, before the Board makes a 19 decision.

20 21

This would allow the Council representative to 22 represent subsistence users on issues that may arise during 23 those deliberations. So it's an extra step in that Board 24 process to make sure that subsistence viewpoints get aired 25 before the Board makes a decision. We feel like it's been 26 built in all along, but this is additional opportunity for the 27 Chairs of the Councils to talk before the Board after they've 28 heard everyone speak on the issue, the public, the State, the 29 Staff and anyone else that's going to talk about an issue.

30 31

CHAIRMAN MORGAN: Ron?

32 33

MR. SAM: Yeah, isn't that in place already? Because 34 the last one I attended we all had opportunity to comment on 35 the proposals before the Board?

36 37

MR. BOYD: Well, I think it has been in place and it's 38 been a little uneven, but I think this formalizes the step in 39 the Board deliberations. I think the Board has allowed that to 40 go on at times in the past, but it's not been a formal part of 41 it.

42 43

MR. SAM: Okay.

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MR. BOYD: So I think you're right. And that's been 46 the intent, but I think now what they're saying is this would 47 allow....

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49 This make it they get formaled (sic) in that MR. SAM: 50 we do participate.

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MR. BOYD: You do participate anyway.

MR. SAM: Yes.

MR. BOYD: Now, I understand your question. they're saying is after you've given the Council report and then after everyone else has spoken also, and after the Board 8 has a chance to hash on it a while, then they will ask again 9 the Council to speak up. So the Chair can listen to all of 10 this and then offer further viewpoints. Sort of it puts Carl 11 on the spot when he comes in because he's going to have to be 12 thinking all the time and weighing everything that he hears. 13 And he gets a chance to say something to the Board before they 14 vote.

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CHAIRMAN MORGAN: Ray?

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MR. COLLINS: Mr. Chairman, I'll say on that, and in 19 regards to what I said, I was very pleased with the process 20 that I observed in there and I felt there was good 21 participation because I didn't know what I was getting into 22 before. And even during their debate it seems to me there were 23 some questions that were fielded to the representative for 24 clarification. So we were allowed to speak. But the idea of 25 formalizing it I guess would be a better solution.

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MR. SAM: Mr. Chairman, I was also very comfortable 28 with the format that we used on it with the Federal Subsistence 29 Board meeting.

30 31

MR. BOYD: And Vince did point out that Bill Thomas 32 prepared a paper here that's part of this package. And at the 33 top you'll see prepared by Bill Thomas, Chairman of Southeast 34 Regional Council. And without going into that, I think I would 35 encourage all of you to read that because Bill put a lot of 36 effort into that to express his thinking about the process the 37 Board uses and about the outcome of this Board restructuring 38 committee process. So I would encourage you to read that when 39 you get a chance.

40 41

MR. MATHEWS: The next item would be, and Rosa talked a 42 little bit about this earlier, it's the policy on review for 43 requests for reconsideration and special actions. 44 informational item and it just follows Bill Thomas' paper 45 there.

46

47 MS. MEEHAN: One thing when we had talked about this 48 before, you'd asked if you could have a copy of where this 49 shows up in the regulations, and that's the second page of 50 what's in your book there, has the specific copy out of our

regulations that talks about closures and other special actions, and the other one request for reconsideration. So that just tags back to our earlier discussions.

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And basically there's been somewhat of an informal policy with how we look at special actions and requests for 7 reconsideration. And so what you see before you is our attempt 8 to write it down. And this is close to final, but it's not 9 quite final in terms of a policy statement, but it's got the 10 main points in here that we want to make sure that everybody 11 understands so that we can be as clear about the process as 12 possible. And the issues tends to be confusion about what 13 constitutes a valid special action and what constitutes a valid 14 request for reconsideration. And I'll do special action first.

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Basically a special action process provides an 17 opportunity to deal with unusual and quickly developing 18 situations. And we talked about this before with populations 19 that dramatically increase or dramatically decrease and you 20 want to be able to act in an expeditious fashion to deal with 21 them. And so the point of the policy is to try and write down, 22 so that people can see it on paper, the circumstances under 23 which the Federal program consider, you know, what sort of 24 things the Board would consider truly are unusual 25 circumstances. And so what's written down is extenuating 26 circumstances include unusual and significant changes in 27 resource abundance or unusual conditions affecting harvest 28 opportunities that could not have been reasonably anticipated.

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And the reason for coming up with a policy and trying 31 to write it down is just to be clear for people who have to 32 work with the program, but also so that we have something on 33 paper so that we can guide requests that come up out of cycle, 34 you know, not within the regular fall/winter meeting framework 35 that really could be dealt with the next year, because we do 36 get those over the course of the year and we simply don't have 37 the staff or time to kind of pick up these actions in the 38 middle of the year.

39 40

Furthermore, special actions because it's set up to 41 deal with something quickly, it's not set up to be able to 42 bring the action back to the full Council. And so therefore 43 you just don't have the full involvement in dealing with these 44 actions that you do during the regular process. And so we want 45 to be real clear that stuff that comes in on a special action 46 truly is of an emergency nature and recognize that it will get 47 limited public involvement and limited involvement by the 48 Council.

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Now, when we do have a special action we always involve

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the Council chair and particular Council members, depending on the issue at hand. But it's not the full Council. So that's why we want to be careful about, you know, taking what comes in the door and treating it appropriately. So that's what's going on with that policy. Are there any questions about the special action then? Oh, good.

8 Moving right into request for reconsideration, there is 9 a provision within the regulations that if any party questions 10 a Board decision. It's a request for the Board to rethink 11 their decision and it's called a request for reconsideration. 12 And there is a time limit within which this has to be filed. 13 It's 60 days after the Board decision. And what we're trying 14 to clarify is that the request to reconsider the decision needs 15 to have some basis in fact for looking at the decision again. 16 We in the past have had requests for reconsideration come 17 before the Board that could be categorized as basically a 18 difference in philosophy rather than a difference in the facts 19 of the case. And so what we're saying is that the request for 20 reconsideration needs to be based on information not previously 21 considered by the Board or demonstrates that the existing 22 information was incorrect or incorrectly presented. And so 23 it's an attempt to sort of kind of get it on paper that we 24 don't want to use the request for reconsideration as a 25 playground to challenge Board policy or differences in 26 philosophy really. So that's where that policy statement is 27 coming from. 28

CHAIRMAN MORGAN: Questions? Jack?

MR. REAKOFF: You want to read that policy statement

32 again? 33

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MS. MEEHAN: The request for reconsideration?

MR. REAKOFF: What page is it on?

MS. MEEHAN: It's the second page on the.....

UNIDENTIFIED VOICE: Under Tab V.

MS. MEEHAN: The first page is just text that explains 43 it. The second page that's in italics, that's the actual 44 policy statement.

MR. REAKOFF: Okay.

MS. MEEHAN: And then the next page, which is in a 49 smaller type face, is our actual regulations. So basically 50 what you've got is the explanation, the policy. And I want to

emphasize that this is not a final policy. It's not totally signed off and delivered out on the streets, but it's pretty darn close. And the important thing is that the intent, the purpose of it is here. So you can just sort of understand where it's coming from.

MR. REAKOFF: Mr. Chairman?

CHAIRMAN MORGAN: Jack.

MR. REAKOFF: I think that that's a good wording to put 12 in there to basically curtail all the froth of frivolous type 13 things. And if there really is a contention, you know, then it 14 should go forward in a valid reconsideration.

MS. MEEHAN: If when you walk away from here and you 17 have any questions about special actions or circumstances that 18 you think merit a special action, please feel free to call any 19 of us. And I know Vince is more than happy to help walk 20 through particular scenarios or whatever. And I don't want to 21 leave you with the impression that, no, we don't want to do 22 special actions, that's not it. It's just we want to make sure 23 that they're appropriate and address issues that really need to 24 be looked at right now.

MR. MATHEWS: Okay. If you're comfortable with that 27 then we can go on to the next item. And there's no action 28 needed. It was just to inform you of that policy.

MR. SAM: I think that was a very good policy.

MR. MATHEWS: The next one is again many of your organizations you're involved with use this, is that the Board is going to use the consent agenda at the annual spring Board meeting, and that's just the next page into that Tab V. So we're just going to go over it briefly. I believe it'll be discussed at the joint Chairs meeting because that will be critical for the Chair at that point or the representative who is bringing in the Council's recommendations to make sure they understand the consent agenda. So I think Tom is going to do 41 that.

MR. BOYD: And I'll streamline my presentation here 44 based on the consent agenda. But this has been in play for a 45 little while now. Some of the Board members have said is there 46 a way we can streamline our Board meeting. It goes for a week 47 and many, many of the issues, everybody lines up on them and 48 there's really no need to exhaustively deliberate everything. 49 We need to focus on the real problems, but those that we all 50 agree on we can just all agree and move on. And that's the

44 45

idea here, simply put. We need to structure it so that we make sure everyone's in agreement and that there's no objections to it, but essentially for all proposals where there's concurrence from the committee, the public, the State, the Staff, we identify all of those ahead of time, and that will be a function of the Staff Committee, we put them before the Board at the Board meeting and it will be put before the Council Chairs and everyone else that's there and participating, and they will have an opportunity to say whether or not an item should be brought off of that agenda. And the Board will then have a way toward the end of the meeting to take all of those together and pass them without further deliberation. So that is to streamline the process.

MR. MATHEWS: Okay. Then unless there's questions on 16 that, the next item is nominations update. Basically you have 17 an application in your book. A third of your seats come up 18 year. The three seats that are open right now are Henry 19 Deacon's seat, Gail Vanderpool's seat and William Derendoff's 20 seat. So they should have received applications in the mail. 21 They would resubmit, for example. William has already asked me 22 about that. Henry, you need to reapply if you want the option 23 of continuing on as a possible candidate. For the rest of you 24 and others, please encourage others to apply for the seats. 25 Obviously we have one seat that for surely will have a new 26 member in it and that would be Gail's seat. So we need to 27 develop a pool of candidates.

29 The other thing I'm going to kind of push a little bit 30 on here was that, you know, we talked about fisheries and that 31 you did not want to change your structure, probably are not 32 going to change your structure size, but maybe when we get into 33 it, if we do, you may want to. That larger pool of candidates 34 with alternates may become valuable. So it would be nice to 35 get a good pool. For this region we average I think about 36 eight to 11 applicants. And we do cover a large area, we cover 37 a lot of villages. So, anyways, it would be nice to get a good 38 pool of applicants. So that's essentially where we're at. 39 don't have a list of names for you. We've had that in the 40 past, a list of names. That has not been compiled. 41 idea what we have in. Well, actually I do know of one 42 application that's been submitted but that's it for the region. 43 So if you would like that list down the road you can.

Let's see, the only other thing which we've applied 46 over time and we're continuing to do, is that there will be 47 consultation with the references on the applications, other 48 organizations including tribal, including regional non-profits, 49 including agencies like Federal and State agencies when we look 50 at candidates. So that's the update on nominations at this

moment. The next one we've already talked about, you've got the gray covered book -- oh, I'm sorry.

MR. SAM: I had a question on selection of Council 5 members. How much of it is based on area or region?

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MR. MATHEWS: That's one factor we take into 8 consideration. We've going through a review of the evaluation 9 process, but I would assume it would incorporate these key 10 factors. And basically we go through some type of system of 11 rating the candidates based on their subsistence knowledge, 12 their knowledge of other subsistence uses, their abilities to 13 communicate within the villages and with other interest groups. 14 And then from there we rank them. That probably will still be 15 part of it. I'm not sure exactly how.

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17 But your question is, is when we get down to where we 18 have really good quality candidates there, where do we go from 19 there? We look at cultural diversity, we look at geographic 20 diversity. And the teams that I've dealt with we've also 21 looked at gender diversity. So but we do apply cultural and 22 geographic diversity. So we're not going to end up with all 23 Council members all coming from say Wiseman. We're going to 24 have them spread across the region. And then user diversity, 25 we try to get a cross section of all the different user groups. 26 Gender diversity has come up because of the fact that there's 27 different levels of involvement of subsistence activity and 28 that's important into the process, is having gender diversity. 29 So before I turn any redder I'll stop.

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MR. SAM: The chicken and the fox again.

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UNIDENTIFIED VOICE: I wanted to ask Jack, are there 34 any people in Wiseman?

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MR. REAKOFF: We've got 21.

37 38

MR. MATHEWS: So that's how it runs. And all of you 39 have been through these interviews. And we contact a lot of 40 people on that. The process is being reviewed, so I can't give 41 you extreme details, but those key components will still be in 42 there. That's all I would have on nominations update. 43 next item is new member training. You've got the gray book. 44 That was result of -- I'm trying to think if someone was -- I 45 think Ray was involved in it. I think somebody from Western 46 was involved in this. But, if not, there were several Chairs 47 involved in helping draft that booklet.

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49 The purpose of the booklet was to help new members, but 50 also when you get back home and a question comes up, you go

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well how does this apply? Hopefully we have that question in there with an answer. So that gray book is available. That's essentially it. Sometime down the road we'll have also a training video and that will brief you in the future on it. And that would be used for training new members and encouraging potential candidates.

We generally in this region try to get together face to 9 face, separate from the meeting or right before the meeting, so 10 that we can talk things over, get an idea of where the program 11 is, how you plug in and all that. But if you have any 12 suggestions on helping that, because imagine if this was your 13 first meeting, being dropped in here with all this material. 14 This is a tremendous amount of materials. So that's it for new 15 member training and outreach.

17 CHAIRMAN MORGAN: Ten minute break? Oh, you had a 18 question? Take a 10 minute break.

(Off record)

CHAIRMAN MORGAN: I'll call the meeting back to order.

MR. MATHEWS: Okay. Mr. Chairman, the item that's 25 before us is agency reports and generally our trend has been 26 that large agency reports would be done in fall and in spring 27 would be abbreviated reports that are timely to the issues at 28 hand because you usually have all these proposals. To my 29 knowledge, and hands can raise to correct me on that, I don't 30 believe there's any Native Corporation reports. The ones that 31 I know of is that the Park Service has a report and we'll just 32 go down the list. Park Service is next and we'll probably just 33 go down the list. But to my knowledge there's only like three 34 reports that are requested at this time. Four reports 35 actually, I forgot migratory birds. So there's actually four 36 reports. So National Park Service would be the first one, 37 unless there is somebody from one of the tribal or non-profit, 38 regional non-profits or whatever. Eastern Interior we had a 39 report from Tanana Chiefs and one of the meetings we had from 40 another. Here we've had Bethel Corporation and Kuskokwim 41 Native Association reported at the last meeting. So it would 42 be time for the Park Service if they have any reports to give.

MR. ULVI: Thank you, Vince. Subsistence Coordinator 45 with Gates of the Arctic National Park and Yukon Charlie Rivers 46 National Preserve. Good to see you folks again. I just have a 47 few brief comments to try to bring you up to speed on a couple 48 of things you may be interested in.

Our Subsistence Resource Commission, upon which Jack

Reakoff sits, had a meeting in mid-January in Fairbanks.
Pollock Simon, Sr., of Allakaket is your appointee to that
commission and he continues to do an excellent job and his
appointment runs until November of '99. So there's no reason
to take any action no his appointment.

And so Jack has represented the SRC actions on the proposals before you, the few proposals that have to do with our neck of the woods up there. Jack did a real good job of explaining what the SRC thought and their stance on those positions. So I won't cover those again. Other than one I wanted to bring up. Perhaps I missed it this morning, but our SRC had a hunting plan recommendation, we number it 95-1 from 14 1995, it was for blanket c&t for all species in the GMUs that are within the park. And that was referred from the Secretary and the Park Service over to the Federal Subsistence side here. That was one of the backlogged c&ts of which there are a number.

And there was a letter that either came from this group or from the Federal Subsistence program to the SRC, kind of asking them if they were still interested in that as an issue. And in January we brought it up and talked about it. I looked back at the minutes and it was tabled. There was a discussion, the discussion didn't come to any final action and it was tabled. So I guess I would leave it at that, to say that it doesn't seem to me that there is a pressing interest in continuing that approach at this point, unless Jack has something else to add to that.

MR. REAKOFF: Mr. Chairman. No, basically we discussed that recommendation and decided that that recommendation was submitted before the c&t time. There was supposed to be like a long period of time to address the c&ts and our area was way down on the list. So we submitted that. That's all changed now and we basically tabled that and it's in a hold position. And if we need to, we may submit it in the future.

MR. ULVI: All right. The other prominent Subsistence 40 Resource Commission issues for Gates of the Arctic that might 41 be of interest to the Western Interior Council here is that we 42 have a draft Subsistence Management Plan. And it's something 43 that was called for in our general management plans for these 44 park units that have subsistence back in the mid-80s. It's 45 taken a long time to get around to them and we're working 46 directly with the Subsistence Resource Commission to develop 47 this plan.

There are two other park units, Denali National Park and Wrangell/Saint Elias that are kind of a step or two ahead

of us here. I just wanted to let you know that that was going on and that our next meeting, which is scheduled for Nuiqsut in early April, we'll have a one day work session on that draft plan. We hope to bring it to a point then where it will come out for public review. And when it does, so you folks will be involved, I hope to have it on the agenda for your fall meeting. And of course again you have Jack here who will be directly involved and can speak with you or answer questions, as well as myself to help you understand what that is when you come to that point. So at this stage we don't have anything 11 that we feel is good enough to throw in front of you, but we're going to work on it.

13 14

The next two issues of importance for the National Park 15 Service units having subsistence spring directly from this 16 document that you and many others have seen in the last couple 17 of years. It was called the National Park Service Subsistence 18 Management Program. Some people called it the Issues Paper. 19 It was finalized in August of '97 and it really just kind of 20 lays out the way that the Park Service looks at its Subsistence 21 Management Plan -- or, excuse me, its Subsistence Management 22 Program. And some of the unclear area from the law, from 23 ANILCA, from the legislative history, some of the aspects about 24 eligibility and subsistence resource commissions, cabin use, 25 those kinds of things. And we created this document that is 26 really a spring board I think for some important work that the 27 SRCs are doing. And these two issues kind of spring out of 28 this document is the only reason I bring it back to your 29 attention.

30 31

And the first of those is traditional use areas. I 32 won't give you the lengthy background for this important issue, 33 but essentially there are five Park Services units that were 34 created by ANILCA that said that subsistence would be allowed 35 to continue where such uses were traditional. And that's the 36 key phrase. No one has ever made that determination. It was 37 called for in the legislative history and called for in the 38 enabling legislation. Our Subsistence Resource Commission has 39 probably been most direct and active about saying that the 40 entire park area in Gates of the Arctic was used for 41 traditional subsistence activities for a very long time, they 42 have repeated that and repeated that and there are a lot of 43 pages of minutes from meetings where testimony has been given 44 about that subject.

45

Because of the progress that was made in this program 47 assessment, this program review, Gates of the Arctic was 48 selected to take the lead out of those five park units in 49 trying to finally conduct that analysis as to where subsistence 50 traditionally occurred within the park. And we're doing that

directly with the Subsistence Resource Commission. We produced a preliminary report that are kind of the foundational aspects of that that have to do with kind of the history of the SRC and NPS deliberations, background and Congressional intent, NPS policies, and trying to decide what ethnographic studies and other primary sources of information we would use to make that analysis.

7 8 9

So we had an excellent discussion at the last SRC meeting. Because it's potentially controversial and when we 11 enter into this analysis one of the critical issues are the 12 criteria that we're going to develop, having to do with depth of time, what customary and traditional subsistence uses are, 14 things like whether or not Congress intended that there be 15 subsistence zones based on each community within the resident 2 zone for the park, or whether were the talking about harvesting 2 only fish and wildlife or was it a full range of customary and 2 traditional subsistence activities, you know, there are a 2 number of things like that that are not clear in the law. 20 We're going to try to develop those concepts in concert with 21 the Subsistence Resource Commission and a work group.

22 23

What I'm asking you to consider as the Western Interior 24 Regional Council, is in putting this work group together I 25 would suggest that the best way to keep this Council involved, 26 and the SRC will be directly involved, is Jack has been 27 appointed by the Chairman of the SRC to work with us from this 28 point on. And what we would like you to consider is that 29 Pollock Simon is your appointee to our SRC from your region, be 30 the person who we would bring on to represent your group. And 31 he could report back in the future, Jack could report back and, 32 of course, I could report back too. But I think that would be 33 one way to go. And then we have two other Regional Councils, 34 both the Northwest Arctic and North Slope that have 35 jurisdiction at Gates of the Arctic. So we'll have their 36 appointees also on the SRCs sit on this group, as well as 37 people from the State and people from the conservation 38 community to try to hash out these criteria, try to come to 39 some consensus before we actually come to a determination. Do 40 you have any thoughts on that, Jack?

41 42

42 MR. REAKOFF: Mr. Chair. I was wondering if Northwest 43 and Arctic would also have two representatives on that panel?

44 45

MR. ULVI: I suppose that's possible, but as you know, 46 Levi Cleveland from Northwest and Ben Hobson from North Slope I 47 would think would round out that kind of representation, but 48 that's possible.

49 50

MR. REAKOFF: I'm personally not familiar with what the

Northwest Council's membership is or the Arctic Council's membership, whether there's another representative that may be directly affected by resource use within Gates of the Arctic Park from those two Councils. If there is, I would like to see them on that panel.

5 6 7

MR. ULVI: Okay. We'll take that into consideration because I think there are. There's a fellow from Nuiqsut on the North Slope and I think there's a couple of people from the upper Kobuk area besides Levi. You bet. So I don't know that there's any action that you need to take or anything, but we know that we want to involve the Regional Councils as this develops and we think that might be a good way to do that, as well as bring it back in front of you at your fall meeting.

15 16

The other issue that springs from this review is the natural and healthy. The National Park Service has the mandate from Congress to maintain fish and wildlife populations in the park units and monuments units to the natural and healthy standard. As with many things in ANILCA, they didn't tell us what that meant. And it's probably something different, both natural and healthy are probably slightly at least different from optimum sustained yield, which is the standard by which the State Department of Fish and Game manage the fish and wildlife populations. And we have been working on that. There's a team of Park Service Resource Managers and Biologists that's drafting those concepts and they too will then come out for public review and involvement. And the SRCs as well as your Councils like this will have a whack at them because I think those are important concepts.

31 32

I don't have anything to report on Fish and Wildlife 33 Research Projects going on in Gates that affect GMU 24. And 34 the only other thing I wanted to put in front of you was, is 35 that we are at Gates of the Arctic beginning a mandated 24 36 month to 30 month process of developing a Wilderness 37 Development Plan for the 7.1 million acres of designated 38 wilderness that's in the park there. And that too will 39 probably include, unfortunately, an EIS, and environmental 40 impact statement, so there'll be lots of public involvement, 41 lots of meetings and those kinds of things. And, again, we'll 42 try to update you and bring these things in front of you as it 43 progresses over that time period. And that's all I have other 44 than to express my appreciation for the way you folks conduct 45 your business. And every time I come to these meetings here I 46 feel like there is some hope, even if we end up with fish, that 47 we'll find some sensible way to manage and regulate these uses. 48 So if there are no questions, that's all I have.

49 50

MR. COLLINS: One quick comment on that natural and healthy. I hadn't really thought about that. Actually the natural, because of that up and down, it doesn't always stay healthy, so how are they going to deal with that? I mean it's going to be a -- sometimes they collapse, I mean the natural cycles, you know. How are you going to do that without tampering?

8

9 MR. ULVI: I don't have an answer for you, Ray. That 10 is one of the many issues involved with trying to, you know, 11 come to some consensus about what that standard might mean. 12 That is definitely one of the issues that's been identified. 13 So we'll see where that goes. And, as I say, you'll have a 14 chance to take a look at that. Thank you.

15 16

CHAIRMAN MORGAN: Questions?

17 18

18 MR. REAKOFF: I just want to make a statement, Mr. 19 Chairman.

20 21

CHAIRMAN MORGAN: Go ahead.

22

23 MR. REAKOFF: Mr. Ulvi's been doing a pretty good job 24 doing this research and he's a pretty good coordinator for our 25 park. And this use area issue has been a highly contentious 26 issue since the onset or since they made the park. One of the 27 first meetings was at my house in 1984 and they brought a use 28 area map with little dots on there, which is where we were 29 supposed to be able to hunt, and we had a fit. So the SRC 30 feels the whole park was used. The anthropological records 31 reflect that. The depth of scope should include some of that 32 anthropological record. And the whole process of this use area 33 needs to be addressed in the Federal Register. But I'm happy 34 to see that the Park Service is going about it in a systematic 35 way with the involvement of the users in that area. And I 36 think that the Regional Council should be made aware and I'm 37 happy to see that they are of this issue. It's a far reaching 38 issue. Because once they develop this Federal Register 39 Regulation for Gates, it will meet a criteria for all other 40 parks in Alaska. So we're like the point on this one. So I'm 41 going to be interested in seeing how this goes.

42 43

MR. MATHEWS: Okay. The next agency listed is Bureau 44 of Land Management. I don't know if they have a report or not. 45 Dave Yokel does.

46

47 MR. YOKEL: Thanks, Vince. Mr. Chair, Council, I'm 48 Dave Yokel with the Bureau of Land Management, BLM's Northern 49 District here in Fairbanks. And I took Vince's warning about 50 reporting only urgency things, I took that to heart. And so

the Northern District has no report for you today. However, Jeff Denton of our Anchorage District has responsibilities for the Southern half of your subsistence region and he is out at the Seward Peninsula meeting right now and he asked me to mention a few things for him.

5 6 7

So if you could turn to the tab U for uniform in your book. The first page of that is a letter to your Chair from the Fish and Wildlife Service. And this letter says that you asked the agencies sometime ago to produce an accurate land that status map for Game Management Unit 21(E) to reduce conflicts between local and non-local hunters. And that the Bureau of Land Management volunteered to take on that project because we maintain the plats. What you see on the wall on either side of you here are some prototypes of maps that are resulting from that project. And they're brought here to your meeting for you to look at and provide recommendations on.

18 19

The four different maps you see are all of the same 20 place, but they are four different color patterns of showing 21 the land status. There's one on the left, two show the private 22 land in pink on the right, two that show the private land in 23 white. And one of each has the green shading on it that the 24 USGS uses for forests. So if you have any comments on the 25 color patterns, anything about these that will help us out in 26 producing the final product to make it the best product for the 27 users, Jeff would appreciate that information. And you can get 28 it to me today if you have it, you can provide it to Jeff or 29 Vince, any route will be fine I'm sure.

30 31

Let me look at his notes here really quickly. He says that on the right hand side of the map, that's a special management area, the hatching he says will be spaced wider so the map won't look quite as busy. But any comments you have on that, Jeff would appreciate it. And then there are two other things very briefly here. The Bureau of Land Management, Alaska Department of Fish and Game and Department of Natural Resources are tentatively set to prescribe burn 10 to 20,000 acres annually in the Farewell/Bird Creek area. So look for upcoming public meetings, probably in McGrath, Nikolai and Anchorage on that. Late April to early May of this year is the project window with whether fuel and soil moisture are within prescription levels.

44 45

If you've looking at me with a question, Ray, I 46 probably don't have the answer. Okay. Good. And then finally 47 just a reminder that a Village Subsistence Harvest Reporting 48 system was developed and set up for the GASH area villages and 49 the notes says that Grayling has very diligently collected 50 harvest data and turned it in, but that Shageluk, Holy Cross

and Anvik have not delivered a single monthly report as yet.

So I noticed in the book here there's some mention of the importance of harvest data collection. And the Council understands the importance of those data. So if this harvest reporting system could be given any kind of a boost, it would be appreciated. And that's all I have. I'll try to answer any questions if there are any.

9 MS. DEMIENTIEFF: For Holy Cross, we just had our 10 Tribal Council meeting the first part of the month and we 11 advertised the position again. And we had one response and 12 then he called in and said he didn't want to. So we're re-13 advertising again. Hopefully by next month we'll have someone.

CHAIRMAN MORGAN: Ron?

17 MR. SAM: One out of four, I think that's above 18 average.

20 MR. YOKEL: It's probably is. I'm just a messenger 21 here anyway.

MR. SAM: That's true. We have been pushing this issue 24 for the last few years and that's one of the primary reasons 25 that we keep harping or hollering for biologist with some real 26 numbers here in our meetings. Because we utilize their 27 figures, especially the sustainable yield figures for moose and 28 caribou and other things that are of high priority to us. We 29 utilize these numbers in our presentation before the Board of 30 Game. And we have been pretty successful getting our proposals 31 through when the numbers are there. So we are pushing data 32 collection around our area.

CHAIRMAN MORGAN: Henry?

36 MR. DEACON: Could you send some to the village? Do we 37 have to pick on that....

MR. YOKEL: Well, you don't necessarily have to pick 40 one of those. If there's one of those that you like, then Jeff 41 would appreciate that comment. But if there's a different 42 comment that you have, any idea that you have that's not 43 represented on any of those four, he would definitely 44 appreciate that as well. But you're asking that some samples 45 be sent out to the villages?

MR. DEACON: I'd like to. And I know we asked for 48 these kind of system for those corporation land and the private 49 lands that people hunt on, who enforce those and those are the 50 problems in my area, Innoko River and.....

1 MR. YOKEL: Well, I'm not sure I'm the person to answer 2 that question. I can make a guess and if somebody can correct 3 me, please do. But I assume the corporation or the owner of 4 the private lands has some responsibility in enforcing any 5 trespass on their lands. And beyond that I guess it would go 6 to the State Troopers, who of course there's only so many of 7 them and it's a big state.

8

9 MR. DEACON: Well, there's none in our area. There's 10 some, but they don't respond to those kind of questions. And I 11 think Federal is responsible because they are responsible to 12 IRA Tribal Council members in some way.

13 14

MR. YOKEL: I don't know. I can't answer that.

15 16

16 MR. DEACON: Just for the note I'm saying this because 17 it'll come up again. It'll keep coming up with those things. 18 Who's protecting those lands, you know? Who to report to.

19 20

CHAIRMAN MORGAN: Ron?

21 22

MR. SAM: Maybe just to help Henry or answer part of 23 his questions. Back at our own IRA our corporation has begun 24 posting all of our Native lands with no trespassing signs and 25 putting up our hunting requests or no hunting requests unless 26 you're a shareholder. Plus I believe that there is some work 27 being done as far as the Native allotments are concerned too, 28 and we're doing it within our corporation for the private 29 lands.

30 31

MS. MEEHAN: Something that I'll just share with you again, this is from the Eastern Interior meeting, one of the tribal corporations down there, and I don't remember which one it is, had prepared a map of their areas that they did not want to have other people hunting on and they provided a number of copies of those to the Fish and Game Office. And so Craig Gardner, the local Fish and Game Biologist was able to hand out the maps to people who came through his office to pick up hunting permits. And so I just shared that with you as one technique of helping get the information out. Because I'm sure that in many cases people may inadvertently get on land, you know, and they just don't know about it. So any rate, here is a technique that they used.

44 45

MR. YOKEL: And this map here that we have samples of 46 the areas is an educational tool. I'm not sure what the 47 proposed distribution for these maps is, but I'm sure that that 48 will be worked out and you can comment on that as well.

49 50

CHAIRMAN MORGAN: Benedict?

1 MR. JONES: In our area we have corporation land on the 2 lower part of the Koyukuk River. And the corporation set up 3 hunting rules in that area where no non-shareholders could not 4 hunt in that area. They have to go beyond our boundary line, 5 say from Kassa (ph) up. If you're a Fairbanks resident you 6 could not kill a moose in that corporation area, only the local 5 shareholders.

MR. REAKOFF: Mr. Chairman?

CHAIRMAN MORGAN: Jack.

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13 MR. REAKOFF: I like the format of the maps but I'm not 14 adopting them. But I caution Jeff about the color. People are 15 color blind and there are certain colors that they can't see 16 mixed and I would think he should consult with a physician as 17 to which colors would be appropriate for color blind people.

18 19

CHAIRMAN MORGAN: Any more questions?

20 21

MS. DEMIENTIEFF: The corporation I'm with in Holy 22 Cross and Zosai (ph), that's the Shageluk Corporation, for 23 three years now they've had signs posted. And it doesn't 24 really matter to these people who come from all over the place, 25 they'll camp anywhere. The only time they'll move is if they 26 see one of the shareholders come along they'll move off the 27 land. But they just don't show no respect toward our people 28 that is posting these signs. And so we're working now with the 29 Tribal Council with the corporation to try to do some kind of 30 enforcement this fall. And we're copying what Huslia has been 31 doing, we're getting some information from up river as to some 32 of the things they're using as tools to protect their own land. 33 And our maps are published for the last five years and it's in 34 the drums and the maps are right there at the gas station where 35 people come in by boat to buy gas. At the checkpoint station 36 at Paimuit Sloop that Fish and Game guy, he gives them a map of 37 our area where they can't be hunting. So the maps are there, 38 they're being distributed but people aren't paying attention.

39 40

40 MR. YOKEL: Any more questions? Comments? Thank you, 41 Mr. Chair.

42 43

CHAIRMAN MORGAN: Thank you.

44 45

MR. MATHEWS: The next agency reports would be Fish and 46 Wildlife Service and I believe the only one we have there is 47 migratory birds. I talked to most of the Refuge Staff and I 48 believe they had no reports. If they do they'll need to get 49 the recognition of the Chair.

50

MS. MEEHAN: I'm bringing some information from the Migratory Bird Program. And I'm doing this as a favor to that office. As you know, Title VIII specifically excludes migratory birds. But recently the US signed protocol amendments with Canada and with Mexico. And the purpose of the amendments was to provide for spring harvest of water fowl. And developing these protocol amendments has been a multi, multi year process and it's nice to see some progress has been made in this. Once those protocol amendments were ratified by the Senate, it gave the Fish and Wildlife Service the opportunity to start working on developing regulations for spring water fowl harvest.

13 14

So the good news is the process has started. 15 caution on it is that spring water fowl harvest is not legal 16 yet and will not be legal until the regulations are in place. 17 The process to develop the regulations will take a couple of 18 years. And part of the reason is that there's obviously a lot 19 of strong regional differences with it. The Migratory Bird 20 Program is going to start with environmental assessment and 21 they have to develop a whole management structure and that fits 22 within the existing flyway management structure for managing 23 migratory birds. A couple of the questions that we've gotten 24 on this is, will these subsistence councils, will you guys be 25 asked to be these management bodies or be considered to be the 26 management bodies. And the answer to that is no. And the 27 reason is that protocol amendments, and this is treaty 28 language, requires that people on the management councils or 29 management bodies, however they call them, have to include 30 representatives from the State, representatives from the 31 flyway, as well as representatives from the Fish and Wildlife 32 Service, and local representatives. So there's a requirement 33 for this different type of representation.

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35 And another reason why the process is going to take a 36 couple of years is if you look at the way this program started, 37 we had the luxury of having State regulations that we could 38 start with and so we could just sort of adopt those and then 39 move on with it and modifying them and refining them. Well, 40 the migratory bird people are starting at ground zero, there's 41 no regulations in place. They've got to write them from 42 scratch, if you will. So that's why it's going to take a 43 little bit longer. There will be an opportunity for public 44 input. And there's going to be two things that will be 45 happening in the near future. One is there's going to be a 46 broad scale mailing out to all bush addresses. That will be a 47 mailer explaining the process and requesting input. And the 48 second thing that's going to happen is that Rural Cap is going 49 to partner with Fish and Wildlife Service to run a workshop to 50 pull people together from around the State to come up with some

alternative management structures that may be appropriate. And so you may be hearing about that. I don't know the time frame for that but the idea is to have it later this spring before summer really gets rolling.

Those are the primary points. And just to reiterate, what I want you to for sure walk away with is that the amendments are in place, it's been ratified by the Senate, but we do not have regulations yet, so it's status quo right now. That's the one point. The second point is that there will be an opportunity for public involvement and that will happen this spring and this summer. And that there's two avenues for it, one will be this workshop which will have some participation, but the other is a broad scale mailing. And the third was that the management bodies will be different from the Subsistence Councils.

And I'll just close by saying that we did want to get this information out to you because while there's all these different bureaucratic processes that work to set up all these different programs, it's the same people that are out there doing all the harvesting. And so we just want to make sure that we share information across here. And if you have any questions I'll be glad to try and answer them if I can. I can certainly get the information back to the people in the Migratory Bird Program.

CHAIRMAN MORGAN: Ron?

MR. SAM: Yeah. When do you expect these regulations 31 to come on?

MS. MEEHAN: We expect it will be about a two year 34 process.

MR. SAM: Okay.

MS. MEEHAN: And the thing to think about is how management bodies would be set up. I mean management bodies is 40 a really awkward term, but the idea is something similar to the 11 Councils. And it's questions like could you have one statewide 12 Council that could deal with everything, or should they be 13 regional Councils, if they are regional Councils, how many of 14 them should there be. You know, that's the kind of first 15 question that they're going to be looking at and want input on.

CHAIRMAN MORGAN: Jack?

MR. REAKOFF: Mr. Chairman, is it going to be the Fish and Wildlife's position to go for more of a subsistence methods

and means of take? Like under current regulations under the 2 duck hunting seasons and stuff, you can't shoot a duck with a Is Fish and Wildlife's stance going to be more pro-4 traditional subsistence take like people might shoot a duck 5 once in a while for the fire, you know. So, is that going to 6 be reflected or is it going to stay with the strict sport shotgun only thing?

7 8

MS. MEEHAN: I don't think anybody's gotten that far in 10 trying to think about specifics of what would go into the 11 regulations and how they would be applied. I mean clearly the 12 program is being designed to address a specific subsistence 13 need. And, you know, given that framework I think it's 14 certainly likely to be more amenable to considering these 15 things. And so it's something to absolutely bring up as part 16 of the public comment on it. It's going to be a very different 17 program to work with because the migratory birds are managed 18 all along the flyway and very much with the perspective that 19 there are users of the birds all along the flyway. And that's 20 not just hunters, but it's bird watchers and people who 21 appreciate nature and the whole nine yards throughout this 22 incredible geographic range. And so that's why there's flyways 23 set up to deal with the birds and management concerns.

24 25

And so the interest and desires expressed through this 26 Alaska addition to the system if you will, will be fed into the 27 Flyway Council. And it will be put against this backdrop of 28 people who appreciate the birds all along the flyway. 29 getting back to your specific comment, that is the kind of 30 input that is needed. I just don't think anybody has gotten as 31 far as thinking about it yet.

32 33

MR. REAKOFF: Mr. Chairman, I'd like to at the time of 34 comment I think that it would be appropriate for the Regional 35 Council to address issues and I'd welcome the opening of the 36 comment period, whenever that may be in a year or so.

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CHAIRMAN MORGAN: Any more questions?

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40 MS. MEEHAN: If you have questions about migratory bird 41 stuff or if you haven't seen a bush mailing sometime by the 42 middle of summer, feel free to contact me. We can get you in 43 touch with the proper contacts within the migratory bird 44 program. So, Vince?

MR. MATHEWS: Thank you. The next agency would be 47 last, Department of Fish and Game, and I believe there will be 48 a couple there speaking. Terry Haynes will introduce the 49 Agency reports they have.

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MR. HAYNES: Mr. Chairman, Council members, my name is Terry Haynes, I'm with the Department of Fish and Game 3 Subsistence Division in Fairbanks, I'm a member of the State's liaison team to the Federal Subsistence Program. I apologize 5 for not being here the entire meeting. I just got off jury duty at noon today. And I'd much rather be at this meeting than the one I've been in for about eight days now.

7 8

I don't really have a report to make. I know that some 10 of our Staff have been here today and yesterday and have tried 11 to help you as you went through Staff analyses. I don't know 12 if you have questions that you might want to direct to me. 13 available to either try to answer questions or to get those 14 questions answered later on. If you don't have questions I'm 15 going to turn over the meeting to two of our other Staff who 16 have very short reports they'd like to present to you.

17 18

CHAIRMAN MORGAN: Questions for Terry?

19 20

MR. HAYNES: Great. John Burr from the Sport Fish 21 Division and Dave Anderson from Subsistence Division each have 22 a short report to make. Thank you, Mr. Chairman.

23 24

CHAIRMAN MORGAN: Thank you.

25 26

MR. BURR: Good afternoon, Mr. Chairman, members of the 27 Council. I just have one very short issue to bring before you 28 today. When I spoke with you last year in McGrath we talked 29 shortly about the use of hook and line as a gear for collecting 30 subsistence fish. And at that time I pointed out that under 31 State Regulations that is not a legal practice. Since that 32 time the Board of Fish considered a formal request that was put 33 before them by AVCP to allow hook and line subsistence under 34 the State Fishing Regulations. Because this would represent a 35 major shift in public policy and in the State Fishing 36 Regulations, they've postponed a decision on that request until 37 January of 1999.

38

The Board of Fish will be directing the Department of 39 Fish and Game to gather information on how to best add rod and 40 reel subsistence fishing as a legal method. I anticipate that 41 over the next few months we will begin an effort to gather the 42 information that the Board of Fish needs to make a fair and an 43 informed decision. That's really all I have to report at this 44 time. I'm going to be calling on many of you individually and 45 in groups throughout the year trying to figure out how we can 46 best accommodate this request.

47 48

CHAIRMAN MORGAN: Thank you. Any questions?

49 you. 50

1 MR. ANDERSON: Thank you, Mr. Chair. Again I'm Dave
2 Anderson with Division of Subsistence, Fish and Game. The
3 handout isn't new information. I presented this same handout
4 to you in McGrath last fall. This is just kind of an update on
5 the project, the harvest reporting survey that we're just
6 getting underway. We talked about this in McGrath and at that
7 meeting it was your suggestion, because of some of the
8 developing moose issues on the Koyukuk that if we thought about
9 expanding the project, that we expand it to the Koyukuk, and
10 that's exactly what we've done.

11 12

Last year we had the harvest reporting project in five 13 communities on the Middle Yukon, Kaltag, Nulato, Ruby, Galena 14 and Tanana and that's the information that's summarized on the 15 yellow sheet. We worked with the Tribal Councils in each of 16 those five communities and hired a local person in the 17 community to record harvest data on the four big game species, 18 moose, caribou, black bear and brown bear. And that project 19 worked very well. We feel we got very good information from 20 that project. And we did get funds this year to expand it, to 21 double the size of the project. So I've approached the Tribal 22 Councils in Koyukuk, Huslia, Hughes, Alatna, Allakaket and 23 Bettles/Evansville to add them to the list of study communities 24 this year. We've already gotten community approval from most 25 of the year one communities on the Middle Yukon, and I've 26 already gotten permission from Koyukuk and Hughes. We're still 27 waiting to hear from some of the other communities. I'll be 28 contacting them again trying to firm up community approval and 29 their recommendations on a person to hire.

30 31

The kind of information we're collecting, while it's fairly basic, it's really important information. As I listened to the deliberations yesterday, there were many times when staff reported that the harvest data was very thin or non-existent for certain species. And we found that doing surveys like this in the villages is one of the few ways you can get the information you need to make some of these decisions. The harvest ticket system, this isn't meant to replace that. The harvest ticket system works very well and the check station system works very well to record data from sport hunting that goes on in the fall season. We found that it doesn't work quite as well in the villages for whatever reason.

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Just to give you an idea, the harvest ticket system 45 from the five studies communities that we worked in last year 46 indicated a total harvest of 157 moose, and our survey 47 indicated when we went house to house, we came up with a number 48 of 268 moose. On a community level, some communities were 49 participating more in the harvest ticket system than others 50 but, for an example, only three moose were reported harvested

1 on the harvest tickets in Kaltag. And our household survey came up with a number of 31.

So this is really something we'd like to do again, get 5 a second year of data on the Middle Yukon and start it in these 6 other communities. And I just wanted to bring you up to date, let you know that it's something we talked about last fall and that we are moving ahead with it.

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MR. COLLINS: Dave, what was the number again on the 11 last one? What was the ticket report? Was 31 you said was 12 household, but....

13 14

MR. ANDERSON: There were three household -- or three 15 moose reported on green cards from Kaltag.

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CHAIRMAN MORGAN: Ron?

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MR. SAM: Yeah. I know this process is ongoing back 20 home because I'd seen postings for applications to do the 21 survey. So they are doing it, but whether they've responded or 22 not. It's in the paper. We more than welcome this survey.

23 24

MR. ANDERSON: Yeah. I sent out the notices on 25 February 4th and I indicated that by the end of the month if I 26 hadn't heard I'd be getting back with them. And there is no 27 real hurry on it. I've set aside time in March to go out and 28 do the orientation of the people. We've got a few more weeks 29 we can work on it, but I know the communities are working on 30 it. Just to give you an idea, the average local hire in the 31 villages worked three weeks for us last year and made about 32 \$1,300.00. So it's a little bit of a job opportunity in the 33 communities at an otherwise kind of lean time of year.

34 35

CHAIRMAN MORGAN: We've got the same problem in our 36 area in turning in the harvest tickets. And like you said, the 37 household visits make a big difference. And I don't know if 38 you can do that in the rest of the area 19, where if we can get 39 some either through the non-profits. But, see, again I'd like 40 to go back to the State where they can flip in a few bucks so 41 we can hire somebody to do this to different households. 42 know your budget is very slim, if any, and our people generally 43 just don't turn in their harvest tickets. Thank you.

44 45

MR. COLLINS: Dave, is the any attempt to do more than 46 one year when they gather that?

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MR. ANDERSON: No.

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MR. COLLINS: Because most hunters can remember, you

00224 know, for the last two or three years whether they took moose or not. You might get more of a spread that you could compare with that. And I'm wondering could you ever then get a 4 reliable data that you were able to go out and generate from 5 past reporting what the actual might have been. 6 7 MR. ANDERSON: I'm not sure I follow. 8 9 MR. COLLINS: Well, what I'm saying is we've got under-10 reporting all these years in the past. 11 12 MR. ANDERSON: Right. 13 14 MR. COLLINS: You've got that data. We don't have any 15 actual data. You're getting it right now for the first time. 16 17 MR. ANDERSON: Right. 18 19 MR. COLLINS: What if you ask them for the last three 20 years or something when you go every household so that you 21 would have a spread and then you'd see the difference between 22 the.... 23 24 MR. ANDERSON: Oh, I see. 25 26 MR. COLLINS:ticket and the other. So maybe 27 there is a ratio that would show up through that that could be 28 applied to get some kind of a historical record of what the 29 actual harvest was. 30 31 MR. ANDERSON: So you're talking about extrapolating 32 from the harvest ticket data..... 33 34 MR. COLLINS: Right. 35 36 MR. ANDERSON:based on what the ratio was. 37 38 MR. COLLINS: Yeah. 39 40 MR. ANDERSON: We hadn't thought about doing that. 41 42 MR. COLLINS: I would guess that most households could 43 probably report for the last two or three years, rather than 44 just one year. So at least you'd have a spread there, if 45 you're going to go house to house. 46 47 MR. ANDERSON: Yeah. I think we're learning some 48 things about the harvest ticket system when we compare harvest

49 ticket data to these kind of data. And we're looking into ways 50 that we might be able to get a more accurate number locally out

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1 of the harvest tickets. One thing that Wildlife Conservation does is -- I mean people are pretty good about getting harvest tickets. Most people hunt with the proper paperwork they need. The system sort of falls apart at the local level in terms of 5 turning them in. Some people don't turn them in, other people turn in a card that doesn't actually reflect the true harvest.

And when a harvest ticket is not turned in by a hunter, 9 Fish and Game assumes that that hunter didn't hunt. And I 10 think what we're finding when we compare the data here is that 11 that's not a good assumption, that maybe if you apply the 12 hunting success at the same rate to those that didn't turn a 13 ticket in you'd come up with a better number. So we are 14 looking at that. There are some animals, like George pointed 15 out yesterday, for black bear there isn't a reporting system at 16 all. So for some species a system like this is the only way 17 that we can get the data we need.

CHAIRMAN MORGAN: Benedict?

MR. JONES: Yeah. Would it be better if you have a 22 questionnaire on your harvest ticket say for reporting from 23 last year from each hunter, if they haven't reported their 24 harvest ticket, it'd be on the questionnaire, have you caught a 25 moose last year or something in that form would be illegal or 26 some question like that? Say if I caught moose this year and I 27 didn't report it, and then next year you have a questionnaire 28 on your harvest ticket say did you hunt and caught a moose? I 29 might say yes or no.

MR. ANDERSON: Allowing hunters to report more than one 32 year on their harvest ticket, is that what you're saying?

MR. JONES: Yeah.

MR. ANDERSON: That's an idea too.

CHAIRMAN MORGAN: Any more questions, comments? Jack?

40 MR. REAKOFF: I would like to commend the Alaska 41 Department of Fish and Game Subsistence Division, I think 42 they're doing a very good job on this program. And I wish that 43 it was done statewide. I have more compassion for the State 44 Subsistence Division than the general ADF&G. So when they do 45 studies I usually like their work pretty well. 46

MR. ANDERSON: Thanks, Jack. We're still foxes though, 48 right?

MR. MATHEWS: Mr. Chairman, that brings us up to

Council member closing concerns, and obviously the selection of where and when you want to meet next. When you get to where and when there is a calendar under the last tab, X, Y and Z, that gives you that window of time.

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CHAIRMAN MORGAN: Council member closing concerns. And, anybody want to volunteer to be first?

7 8

9 MR. REAKOFF: Mr. Chair, I think that I've identified 10 all of the concerns during this meeting and I think that we've 11 had a very productive meeting. I feel that we lose time coming 12 here but it's way worth the effort.

13 14

CHAIRMAN MORGAN: Also, I have identified the wanton 15 waste definition, try to expand or clarify. Also my concern is 16 I'm from the Area 19 and I haven't seen either of the 17 biologists here from the State. And we do get a lot of 18 pressure from all over the State, plus the Lower 48 into 19. 19 And I'm kind of disappointed they're not here. He was there in 20 McGrath, Jack, and the one from Bethel wasn't. And if he's not 21 going to be here, please, I think his data that he gathered 22 through either the licensing or the tickets he has received, 23 how many hunters have hunted, and that's the concern I'm 24 having, it's not here. And it's a very big area and that's one 25 of the areas that's got a lot of hunting pressure. Anybody 26 else? Henry?

27 28

MR. DEACON: I'd like to thank all the Staff for 29 putting out all this materials, as well as handout and the 30 Staff that's been here. You know, I'm getting kind of used to 31 working with you. See it's very hard for me to work with this 32 because you have to do a lot of reading to catch up. 33 reader, so I just kind of sit here and talk. I was kind of 34 just thinking about our Innoko Refuge representative, they're 35 not here. And it made me kind of wonder. It's a six months in 36 advance notice to the agencies and still they couldn't be here. 37 It's something wrong with their representatives, I guess. 38 because there's a lot of questions come up. I want to know 39 about our area, how it's going on the Innoko Refuge. And still 40 they're not here. So even though Ed really like to work with 41 the villages, always asking questions what can be improved and 42 what can we do to help improve. So I'd like to thank the rest 43 of my members here. I might not run for this Board again, but 44 I enjoyed being on it. So that's all I have.

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CHAIRMAN MORGAN: Vince.

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MR. MATHEWS: I usually didn't comment at this point, 49 but I do need to tell them that Innoko did call and basically 50 the way the agenda was structured and that sentence that has

haunted me throughout this whole meeting, urgent agency concerns related to subsistence, they had nothing to add from before. So I can't think of her name, Laura, did call and said that their reports and surveys have not come in and et cetera, but I will relay to them that you would have appreciated them being here. But they did call in and personally told me that they couldn't make it because it looked like there wasn't room on the agenda and no reports, or any new at this time. So but I will convey that you would prefer to have them here.

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CHAIRMAN MORGAN: Ray?

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MR. COLLINS: Yeah. I do have a comment. I appreciate 14 again the attendance and what went on here. One thing I noted 15 at the end, it would have been handy it there was an 16 announcement at the beginning about these maps to look at 17 during the meeting because I haven't really looked closely at 18 them to see what they were. So we need to think about that in 19 the future. And I'm not sure that it's good on all these 20 reports to be right at the end of the meeting. I mean maybe we 21 wanted to get with business.

22 23

MR. MATHEWS: We've moved it all over and each time 24 it's been moved there's.....

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MR. COLLINS: Someone want to move it the other way,

27 huh? 28

MR. MATHEWS: Uh-huh. Yeah.

29 30

CHAIRMAN MORGAN: Ron?

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MR. SAM: Yeah, I'm with Ray here too because I think some of our profit and/or non-profit organizations out in the Bush usually just come in and go because of other pressures. And I think that Ray was right on mentioning those maps because I just took just a glance at them and figured that they were agenda items that we would go through anyway, you know. And so that's passed. And the main reason I'm speaking right now is I'd like to thank Henry Deacon for serving throughout the years and I'd like to give him a round of applause and thank him deeply.

43 44

(Audience applauds)

45

46 CHAIRMAN MORGAN: Any more Board member concerns? 47 Closing comments?

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MR. DERENDOFF: Okay. Our proposals, concerns and topics were already brought up during the meeting, so I won't

1 mention those. I feel a lot better now that I have a place to bring my report to when I get back, because before I came over here we were trying to get this other committee started. Now, I have some place to bring some of it up and discuss it. And I 5 think this is very helpful and I've learned a lot, a little 6 more about this Subsistence Council. And I'd like to thank all the members and the coordinator and the Staff people that I 8 worked with and I've met. Thank you.

CHAIRMAN MORGAN: One more chance from the public, any 11 closing concerns?

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> MR. BOYD: I have a comment.

CHAIRMAN MORGAN: Go ahead.

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MR. BOYD: I'd just like to say that it's been a 18 pleasure this time working with this Council. You always 19 conduct your business in a very efficient and I think effective 20 way. And I want to remind you that this is your Staff over 21 here directly and then my office indirectly is your Staff, but 22 they are your first line. And I know George and Pete and Vince 23 are here to serve you from both a technical and an 24 administrative standpoint. And I will say that Vince is like 25 an alarm clock, a very loud one, and his alarm is set at almost 26 any time, in a way that he feels that if things aren't going 27 according to allowing the Council to fully operate within the 28 meaning and the intent of the law, he sounds off. And a lot of 29 times he's calling me directly or sending me messages to make 30 sure that your views are going to be represented to the Federal 31 Subsistence Board. And I just want you to know that, he's very 32 active in serving you. So I just want to remind you you've got 33 a very good team over here that works with you. And I commend 34 them to you. So I appreciate the opportunity to speak here and 35 at other meetings that I've attended and it's always been a 36 pleasure to work with you guys.

37 38

CHAIRMAN MORGAN: Angie?

39 40

MS. DEMIENTIEFF: At the opening remember I mentioned 41 about the Eleventh Regional Council being formed just for the 42 fishing and we have the letter in our packet. You know, we can 43 do that later. But I'd like for Ida to come forward and tell 44 us know what is the latest on YRFDA as far as your eleventh 45 region, what you mentioned at lunch. Thank you.

46

47 MS. HILDEBRAND: That's it. That's the summary. 48 just talking about what I mentioned at lunch was basically the 49 comments that were made at the Galena public hearing and the 50 comments at the Yukon River Drainage Fisheries Association

meeting in Kaltag the week before. In Kaltag the week before the Yukon River Drainage Fisheries Association requested that they become the Eleventh Regional Council to make subsistence fisheries decisions was their first round of what they suggested. Then they suggested that they wanted to be the Eleventh Council to only deal with salmon and the Regional Council deal with the other issues. And their membership in Kaltag voted down the resolution, stating that they could not vote on it unless they had first gone home to their respective communities, discussed it with their people and discussed it with their respective Regional Councils.

In the Galena public hearing the co-Chair for the Yukon 14 River Drainage Fisheries Association brought it up again 15 stating that YRFDA wanted to be the Eleventh Regional Council. 16 If they could not be the Eleventh Regional Council, they would 17 support one Council that would cover the entire river, meaning 18 the Yukon, or they would support all three Regional Councils 19 meeting together on all fish issues on the river, and salmon in 20 particular.

MR. MATHEWS: Yes, we did get a copy of that letter.

We didn't bring it up during fisheries. It's in your folder,

their letter. So she is correct, you have a copy but we didn't

over it, but Ida just did.

CHAIRMAN MORGAN: Time and place?

MR. SAM: We've been having quite a few subsistence 30 related meetings up in the Allakaket area, middle Koyukuk area 31 and when we had that co-management moose meeting that I finally 32 got all the villages interested enough to name Allakaket as the 33 host for the fall meeting. And you are all invited to 34 Allakaket.

CHAIRMAN MORGAN: Time?

MR. MATHEWS: Thank you. Mr. Chairman the only time -39 the window goes from September 8th through October 23rd. Due
40 to the sequence of Councils, the Eastern Interior has already
41 selected the week of October 12th. We generally ask you to
42 select a week so we can maneuver enough in there, but if there
43 are personal constraints that require certain days, please let
44 us know. But in the past you've selected a week and that gives
45 us freedom either for lodging or travel or whatever to move
46 around in that week. But Eastern has selected October 12th
47 through the 16th. And they'll probably be meeting two days.
48 Yes, it'll probably be a two day meeting.

MR. SAM: October 5, tentative?

MR. COLLINS: Certainly. Usually September is bad because of hunting and fishing.

5 you guy.

8 success. Have you turned in your harvest report?

10

6 7

11 October 5th? Sounds good.

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16 a rush, is there a second meeting place? I know that there

17 won't be any problem with Allakaket, but it's good to have an 18 alternate in case something switches us. Then that way we can 19 look at it. So what would be an alternate to Allakaket?

20 Fairbanks is out of your region. This was extenuating 21 circumstances why we met here. It's best to meet within your

22 region. Galena was your last choice last time, I should say, 23 so you may want to look at Galena as a backup. I don't know.

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27 28 we did ruffle some feathers, I'm sure I will. So it seems like 29 Galena would be the backup if some unforeseen reason we can't

30 get to Allakaket. 31

32 33 sure that Koyukuk River Advisory Council and Middle Yukon

34 Advisory Council still want to attend one of our meetings and 35 Galena would a help for both communities.

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CHAIRMAN MORGAN: Okay. That's taken care of.

44 That was my primary concern.

MR. MATHEWS: I haven't done my dissertation on my 49 Master's thesis in a while if you're looking for something.

50 We're done. We have no other topics for you. It would just be

CHAIRMAN MORGAN: No problem with me. MR. SAM: And just for your information, Allakaket is

40 hosting the Ankanaga (ph) Conference. I think it's somewhere

41 in June, which elders and the youth of the Tanana Chiefs 42 Region. So I was concerned about lodging, but if we can host

43 the Ankanaga (ph) we should be able to host Western Interior.

MR. SAM: Besides, we've got to have something to feed

MR. COLLINS: That's right. We've got to wait on your

MR. MATHEWS: Okay. Just to help us, in case there is

MR. MATHEWS: I haven't heard anything from Galena, but

MR. SAM: I think it would be appropriate because I'm

CHAIRMAN MORGAN: Then we're suggesting the week of

MR. SAM: Tentative. It can be changed.

MR. SAM: Be fine with me.

00231
1 a motion to adjourn.
2 3 MR. REAKOFF: Motion to adjourn 4
5 MR. SAM: Second. 6
7 CHAIRMAN MORGAN: Seconded. All in favor signify by
<pre>8 saying aye. 9</pre>
10 IN UNISON: Aye. 11
12 CHAIRMAN MORGAN: All opposed same sign. 13
14 (No opposing responses) 15
16 CHAIRMAN MORGAN: We're adjourned until Allakaket. 17
18 (Off record)
19 20 (END OF PROCEEDINGS)
21 22 * * * * *

00232 CERTIFICATE 1 2 3 UNITED STATES OF AMERICA)ss. 5 STATE OF ALASKA 6 7 I, Joseph P. Kolasinski, Notary Public in and for the 8 State of Alaska and Reporter and Owner of Computer Matrix, do 9 hereby certify: 10 11 THAT the foregoing pages numbered 123 through 231 12 contain a full, true and correct Transcript of the Western 13 Interior Federal Subsistence Regional Advisory Council, 14 Volume II, meeting taken electronically by David Haynes on the 15 26th day of February, 1998, beginning at the hour of 8:30 16 o'clock a.m. at the Princess Hotel, Fairbanks, Alaska; 17 18 THAT the transcript is a true and correct transcript 19 requested to be transcribed and thereafter transcribed by 20 employees of my firm to the best of their knowledge and 21 ability; 22 23 THAT I am not an employee, attorney, or party 24 interested in any way in this action. 25 26 DATED at Anchorage, Alaska, this 5th day of March, 27 1998. 28 29 30 31 32 JOSEPH P. KOLASINSKI 33 Notary Public in and for Alaska

My Commission Expires: 04/17/00

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